FEDERAL REGISTER

VOLUME 6 NUMBER 156

Washington, Tuesday, August 12, 1941

The President

SUSPENDING THE INTERNATIONAL LOAD LINES CONVENTION IN PORTS AND WATERS OF THE UNITED STATES AND IN SO FAR AS THE UNITED STATES OF AMERICA IS CONCERNED

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a convention establishing uniform principles and rules with regard to the limits to which ships on international voyages may be loaded, entitled "International Load Lines Convention", was signed by the respective plenipotentiaries of the United States of America and certain other countries at London on July 5, 1930; and

WHEREAS, following ratification by the United States of America and certain other countries, the Convention, in accordance with Article 24 thereof, came into force with respect to the United States of America and certain other countries on January 1, 1933; and

WHEREAS the provisions of the Convention were carefully formulated "to promote safety of life and property at sea" in time of peace by regulating the competitive loading of merchant ships employed in the customary channels of international trade; and

WHEREAS the conditions envisaged by the Convention have been, for the time being, almost wholly destroyed, and the partial and imperfect enforcement of the Convention can operate only to prejudice the victims of aggression, whom it is the avowed purpose of the United States of America to aid; and

WHEREAS it is an implicit condition to the binding effect of the Convention that those conditions envisaged by it should continue without such material change as has in fact occurred; and

WHEREAS under approved principles of international law it has become, by reason of such changed conditions, the right of the United States of America to declare the Convention suspended and inoperative:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, exercising in behalf of the United States of America an unquestioned right and privilege under approved principles of international law, do proclaim and declare the aforesaid International Load Lines Convention suspended and inoperative in the ports and waters of the United States of America, and in so far as the United States of America is concerned, for the duration of the present emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of August, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2500]

[F. R. Doc. 41-5857; Filed, August 9, 1941; 12:29 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[41-Tob-56-Supplement 1]

PART 727—FLUE-CURED TOBACCO

SUBPART D—1941

Supplement 1 to Marketing Quota Regulations—Flue-cured Tobacco — 1941-42 Marketing Year [1]

Marketing Quota Regulations, Flue-cured Tobacco—1941-42 Marketing Year,[2] are hereby amended as follows:

[1] Issued under authority of 52 Stat. 31, 7 U.S.C. 301 et seq., as amended.
[2] 6 F.R. 3661.

CONTENTS

THE PRESIDENT

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

NOTICES

CONTENTS—Continued

CONTENTS—Continued

Section 727.234 is amended by adding at the end thereof the following:

§ 727.234 *Amount of farm marketing quota.* * * * The marketing quota for any farm having tobacco carried over from a crop produced prior to the calendar year 1941, shall be whichever of the following is applicable:

(a) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is not greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the carry-over tobacco.

(b) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres obtained by dividing into the carry-over tobacco the normal yield for the farm, the farm marketing quota shall be the actual production on the farm in 1941 plus the amount of the carry-over tobacco.

(c) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 does not exceed the 1941 acreage allotment but is not less than such acreage allotment by as much as the number of acres obtained by dividing into the total pounds of carry-over tobacco the normal yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus an amount of tobacco equal to the 1941 normal yield for the farm times the number of acres by which the 1941 farm acreage allotment exceeds the acreage of tobacco harvested in 1941.

(d) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941.

(e) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year but the acreage of tobacco harvested on the farm in 1941 is in excess of the acreage allotment for such year the marketing quota shall be the actual production of

tobacco on the farm acreage allotment for 1941, plus the amount of carry-over tobacco.

Excess tobacco in the case of farms having tobacco carried over from the calendar year prior to 1941 shall be all tobacco available for marketing from the farm in excess of the farm marketing quota determined as provided under paragraphs (c), (d) or (e) of this section.

Section 727.235 is amended by adding at the end thereof the following:

§ 727.235 *Issuance of marketing card.*

* * * * *

(d) *Issuance of marketing cards for farms having carry-over tobacco.* (1) For any farm on which the marketing quota is that amount determined pursuant to paragraph (a) or (b) of § 727.234 above, there shall be issued a within quota marketing card, unless the farm is operated by a person who also operates another farm on which there is tobacco available for marketing in excess of the farm marketing quota, in which event there shall be issued an excess marketing card.

(2) For any farm on which the farm marketing quota is that amount determined pursuant to paragraph (c), (d) or (e) of § 727.234 above, there shall be issued an excess marketing card.

(i) The percent excess for any farm for which paragraphs (c) and (d) of § 727.234 are applicable shall be computed as follows: (*a*) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (*b*) the number of acres determined under (*a*) shall be added to the 1941 harvested acreage; (*c*) there shall be subtracted from the acreage determined under (*b*) the 1941 acreage allotment; and (*d*) the result obtained under (*c*) shall be divided by the acreage determined under (*b*).

(ii) The percent excess for any farm for which paragraph (e) of § 727.234 is applicable shall be computed as follows: (*a*) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (*b*) the number of acres under (*a*) shall be added to the 1941 harvested acreage; (*c*) the number of acres determined under (*a*) shall be added to the 1940 acreage allotment; (*d*) there shall be subtracted from the acreage determined under (*b*) the acreage determined under (*c*) above; (*e*) the result obtained under (*d*) shall be divided by the acreage determined under (*b*).

Section 727.239 is amended by adding at the end thereof the following:

§ 727.239 *Rights of producers in marketing card.* * * *

The rights of producers in the marketing card for a farm having tobacco carried over from a crop produced prior to 1941 shall be determined in accordance with the provisions of this section, except that the burden of any penalty with respect to any such carry-over tobacco shall be borne by those persons having an interest in such tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, 52 Stat. 31, 7 U.S.C. 1301 et seq.), as amended, he does make, prescribe, and publish the foregoing amendments to the Marketing Quota Regulations—Flue-cured Tobacco—1941–42 Marketing Year, designated 41–Tob–56, issued by the Secretary on July 23, 1941, which regulations, as so amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 8th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41–5839; Filed, August 8, 1941; 12:37 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.36 *Advertising for bids.*

* * * * *

(c) *Special clause for purchase of supplies.* The specifications accompanying the invitation for bids, or the invitation for bids, for the purchase of supplies will contain the following statement and include a list of the applicable materials the use of which have been authorized without regard to the country of origin:

Because the materials listed below, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the manufacture of the supplies herein specified (subject to the requirements of the specifications) is authorized without regard to the country of origin:

Abrasives, acetic acid, acetic anhydride, acetone, aconite root, ethyl alcohol, alpha cellulose, aluminum, aniline, antimony (and ores), argols and wine lees, arsenic, asbestos, balsa, barium chemicals, bauxite, belladonna leaves, belladonna roots, beryl ores, bismuth (and ores), hog bristles, cadmium (and ores), calcium, camphor, castor beans, castor oil, chlorine, chromium (and ores), cobalt (and ores), cocoa (or cacao) beans, coconut oil, coconut shell char, coffee, columbium and ores, copper (and ores), copra, cork, long staple cotton, cotton linters, cresols and cresylic acid, cryolite, cube or timbo root, derris root, diamond dies, industrial diamonds, ergot of rye, ferrosilicon, fish liver oils, fish oils, flax, flaxseed, fluorspar, formaldehyde, 100 octane aviation gasoline, optical glass, scientific glass, glycerine, graphite, natural gums and resins, gypsum, helium, hemp, hanbane leaves, henequen, hides (and skins), ilmenite, iodine, iridium (and ores), iron ore, iron and steel, jute burlaps, unmanufactured jute, kapok, lac and shellac, lead (and ores), leather, lignum vitae, linseed oil, magnesite, magnesium, mahogany, ferrograde manganese (and ores), manganese and ores, manila fiber, mercury (and ores), methanol, mica, mohair, molasses, molybdenum (and ores), napthalene, neat's-foot oil, nickel (and ores), nitrogen compounds (including ammonia, nitric acid and Chilean nitrates), nux vomica, oiticica oil, opium, palm oil, paper and pulp, petroleum and petroleum products, phenol, phosphate materials, phosphorus, phthalic anhydride, platinum, (and platinum group) (and ores), polyvinyl chloride, potash, pyrethrum flowers, prites, quartz crystal, quinine (and cinchona bark), radium and ores, rayon, red squill, refractory materials, rotenone root, rubber, rutile, senna leaves, silk, sisal, stramonium leaves, strontium and ores, strontium chemicals, sugar, sulphur, sulfuric acid, tanning materials, tantalum and ores, teak, tea waste, tin (and ores), titanium and ores, toluol, tung nuts, tung oil, tungsten (and ores), uranium and ores, vanadium (and ores), wool, zinc, (and ores) and zinc concentrates, zinc oxide, zirconium (and ores). (Sec. 2, 47 Stat. 1520; 41 U.S.C. 10) [Par. 4, AR 5–340, Aug. 10, 1936, as amended by Proc. Cir. 59, W.D., July 30, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–5845; Filed, August 9, 1941; 10:47 a. m.]

[1] § 81.36 (c) is added.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4425]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NATIONAL DISTILLERS PRODUCTS CORPORATION

§ 3.6 (n) 2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, directly or by implication, in connection with offer, etc., in commerce, of respondent's semi-solid poultry feed supplement sold as "Produlac Brand Semi-Solid Distillers Grains Mash" and "Semi-Solid Produlac" and "Produlac", or any other substantially similar product, that when fed to poultry such product (1) increases egg production, or produces broilers of more uni-

form weight and superior quality at less cost, or results in faster and more economical growth of poultry and larger profits to the producer; (2) improves the health and vitality of growing poultry, or increases the hatchability of eggs, or decreases mortality; (3) increases the appetite and the ability of such poultry to assimilate foods; and (4) is an effective substitute for green feeds; and disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means, which contains, directly or by inference, any of the preceding representations; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. Sup. IV, sec. 45b) [Cease and desist order, National Distillers Products Corporation, Docket 4425, July 30, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent National Distillers Products Corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its semi-solid poultry feed supplement sold as "Produlac Brand Semi-Solid Distillers Grains Mash" and "Semi-Solid Produlac" and "Produlac," or any product of substantially similar composition or possessing substantially similar properties, whether sold under said name or under any other name or names, do forthwith cease and desist from representing directly or by implication that when fed to poultry such product:

(1) Increases egg production, or produces broilers of more uniform weight and superior quality at less cost, or results in faster and more economical growth of poultry and larger profits to the producer;

(2) Improves the health and vitality of growing poultry, or increases the hatchability of eggs, or decreases mortality;

(3) Increases the appetite and the ability of such poultry to assimilate foods;

(4) Is an effective substitute for green feeds.

It is further ordered, That respondent do forthwith cease and desist from disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains, directly or by inference, any of the representations prohibited in the preceding paragraphs of this order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-5896; Filed, August 11, 1941; 11:31 a. m]

[Docket No. 4388]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF INTER-STATE CIGARETTE MERCHANDISERS ASSOCIATION, ET AL.

§ 3.24 (d10) 2) *Coercing and intimidating—Suppliers and sellers—To limit sale and distribution to member distributors:* § 3.24 (e) 1) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with the purchase and location, in commerce, of automatic cigarette vending machines, and on the part of respondent Inter-State Cigarette Merchandisers Association, and on the part of five member associations or organizations thereof, and on the part of the various officers, directors and members of said various associations, by understanding, agreement, or combination between themselves, or between any two or more of them, or with others, (1) establishing, or attempting to establish, the members of aforesaid respondent organizations and associations or any other group of operators of automatic cigarette vending machines, as a preferred class for the purpose of confining and requiring the sale and distribution of automatic cigarette vending machines by manufacturers, producers, and sellers thereof to such member operators exclusively; (2) interfering, or attempting to interfere with competitors of the members of aforesaid respondent organizations and associations, operators of automatic cigarette vending machines, in the said competitors' efforts to purchase and obtain such machines; (3) preventing, or attempting to prevent, competitors of the members of aforesaid respondent organizations and associations, operators of automatic cigarette vending machines, from purchasing or obtaining such machines; (4) requiring, inducing or compelling, by promises, threats, coercion, intimidation and otherwise, manufacturers, producers and sellers of automatic cigarette vending machines (a) not to sell or ship such machines to competitors of the member operators of aforesaid respondent organizations and associations, or directly to consumers of such machines, (b) to boycott competitors of the member operators of aforesaid organizations and associations, and (c) to confine to the member operators of aforesaid organizations and associations, the said manufacturers', producers' and sellers' sales and shipments of such machines intended for use, consumption or resale in the various States where the member respondents are engaged in business; and (5) boycotting and threatening to boycott manufacturers, producers and sellers of automatic cigarette vending machines who sell or ship such machines either to competitors of the member operators of aforesaid respondent organizations and associations or directly to consumers of such machines; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Inter-State Cigarette Merchandisers Association, et al., Docket 4388, July 31, 1941]

In the Matter of Inter-State Cigarette Merchandisers Association; the Cigarette Merchandisers Association, Inc.; Cigarette Merchandisers Association of New Jersey, Inc.; the Automatic Cigarette Vendors Association of Eastern Pennsylvania; the Cigarette Machine Operators of Connecticut, Inc.; Cigarette Merchandisers Association of New England, and the Officers, Directors, and Members of Said Organizations and Associations

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein by their counsel, Parker, Chapin & Flattau, and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents:

1. Inter-State Cigarette Merchandisers Association, its officers as follows: President, John Sharenow; Vice President, William King; Treasurer, Edward Beresth; Secretary, Robert K. Haw-

throne; Recorder, James V. Cherry; and its directors as follows: Anthony J. Masone, Alfred Sharenow, and Edward J. Dingley;

2. The Cigarette Merchandisers Association, Inc., its officers as follows: President, Robert K. Hawthrone; 1st Vice President, Alexander Frazer; 2nd Vice President, Albert S. Denver; Treasurer, Samuel Yolen; Secretary, Tom Cola; Manager, Matthew Forbes; its directors as follows: Michael Lascari, Jackson Bloom, Louis D. Schwartz, Martin M. Berger, Bernard Rosen, Harold Roth; and its members with which its respective officers and directors are connected;

3. Cigarette Merchandisers Association of New Jersey, Inc., its officers and directors as follows: President and Director, Charles W. Stange; Vice President and Director, Max Jacobowitz; Treasurer and Director, Henry W. Hartmann; Secretary and Director, John Grout; Manager, James V. Cherry; its directors as follows: Michael Lascari, John Sharenow, Samuel M. Malkin, Harry Zink, Herman Arlein; and its members with which its respective officers and directors are connected;

4. The Automatic Cigarette Vendors Association of Eastern Pennsylvania, its officers and directors as follows: President and Director, Walter I. Davidson; Vice President and Director, Patrick J. Bonoma; Treasurer and Director, LeRoy A. Shackleton; its directors as follows: William L. King, W. Harry Steele, Jr., Harry D'Alessandro, Ralph J. Burnard, Joseph Silberman; and its members with which its respective officers and directors are connected;

5. The Cigarette Machine Operators of Connecticut, Inc., its officers as follows: President, Anthony R. Nastri; Vice President, Robert Zimmerman; Secretary, Anthony J. Masone; Treasurer, M. E. Norris; its directors as follows: John J. Fitzgerald, Samuel Aliener, Nathan Dubowry, Lena Bonelli, Charles Sparrow; and its members with which its respective officers and directors are connected;

6. Cigarette Merchandisers Association of New England, its officers as follows: President, Samuel M. Goldstein; Vice President, Louis Berman; Secretary, William B. Burns; Manager, Walter R. Guild; its directors as follows: Albert M. Coulter, Frank Fendel, Oscar Gerson, Julian Karger, Cleo C. Kingsley, Charles E. Knight, Alfred I. Sharenow, Jacob Shelman, Harry Spierer, William Spiller; and its members with which its respective officers and directors are connected;

and their respective agents, representatives and employees, in connection with the purchase and location of automatic cigarette vending machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from doing and performing by understanding, agreement, or combination between themselves, or between any two or more of them, or with others, any of the following acts and practices:

1. Establishing, or attempting to establish, the members of the aforesaid respondent organizations and associations or any other group of operators of automatic cigarette vending machines, as a preferred class for the purpose of confining and requiring the sale and distribution of automatic cigarette vending machines by manufacturers, producers, and sellers thereof to such member operators exclusively;

2. Interfering, or attempting to interfere, with competitors of the members of the aforesaid respondent organizations and associations, operators of automatic cigarette vending machines, in the said competitors' efforts to purchase and obtain such machines;

3. Preventing, or attempting to prevent, competitors of the members of the aforesaid respondent organizations and associations, operators of automatic cigarette vending machines, from purchasing or obtaining such machines;

4. Requiring, inducing or compelling, by promises, threats, coercion, intimidation and otherwise, manufacturers, producers and sellers of automatic cigarette vending machines;

(a) Not to sell or ship automatic cigarette vending machines to competitors of the member operators of the aforesaid respondent organizations and associations, or directly to consumers of automatic cigarette vending machines;

(b) To boycott competitors of the member operators of the aforesaid respondent organizations and associations;

(c) To confine to the member operators of the aforesaid respondent organizations and associations, the said manufacturers', producers' and sellers' sales and shipments of automatic vending machines intended for use, consumption or resale in the various states where the member respondents are engaged in business;

5. Boycotting and threatening to boycott manufacturers, producers and sellers of automatic cigarette vending machines who sell or ship such machines either to competitors of the member operators of the aforesaid respondent organizations and associations or directly to consumers of such machines.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc 41-5697; Filed, August 11, 1941; 11:31 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-956]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR RAIL SHIPMENT FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for rail shipment for the coals produced at the mines of certain code members in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: July 30, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Sub district	Freight origin group No.	Price group
[1] 138	Lohr-Young Coal Co	Lyons	VI	LS	61	7
[2] 137	Sink, Ben H. (Sink Coal Company)	Alum Cave	V	LS	61	4

[1] Mine Index No. 138 shall be included in Price Group 7 and shall take the same f. o. b. mine prices as other mines in Price Group 7 in Price Shedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton-Sullivan Subdistrict having the same freight rate.

[2] Mine Index No. 137 shall be included in Price Group 4 and shall take the same f. o. b. mine prices as other mines in Price Group 4 in Price Schedule No. 1, District No. 11, For all Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton-Sullivan Subdistrict having the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II

Mine index No.	Name of code member	Mine	Seam	Sub district	Freight origin group No.	Price group
[1] 138	Lohr-Young Coal Co	Lyons	VI	LS	61	7
[2] 137	Sink, Ben H. (Sink Coal Company)	Alum Cave	V	LS	61	4

[1] Mine Index No. 138 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 10, 19, 20, 21, 33, 40, 846, 51, 52, 53, 60, 63, 65, 71, 72, 78, 85, 91, 101, 116, 238.

[2] Mine Index No. 137 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 10, 19, 20, 21, 33, 40, 46, 51, 52, 53, 60, 63, 65, 71, 72, 78 85, 91, 101, 116, 238.

[F. R. Doc. 41–5825; Filed, August 8, 1941; 10:36 a. m.]

[Docket No. A–629]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER OF THE DIRECTOR CONCERNING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DUNREATH COAL COMPANY, A PRODUCER IN DISTRICT NO. 12 FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES

An original petition having been filed with the Bituminous Coal Division on January 27, 1941, by the Dunreath Coal Company, a code member in District 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting such a reduction in the minimum f. o. b. mine prices effective for shipment to Tama, Iowa, of 1¼" x 5/16" coals produced at its Dunreath Mine (Mine Index No. 30), located at Dunreath, in Marion County, Iowa, and at its Flagler Mine (Mine Index No. 725), located at Flagler, in the same county, as would permit delivery of such coals at a price of $3.21 instead of $4.05.[1]

Pursuant to an Order of Director dated February 6, 1941, a public hearing having been held in this matter on March 17, 1941, before a duly designated examiner of the Bituminous Coal Division at a hearing room of the Division, at The Central Fire Station, Des Moines, Iowa, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; the Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 332.4 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 12 for All Shipments Except Truck be and it hereby is amended by revising the minimum prices for District 12 coals, in Size Group 7, effective for shipment to Tama, Iowa, to $2.25 f. o. b. the mine and $3.55 delivered.

It is further ordered, That the prayers for relief, contained in the petitions herein be and they are hereby granted to the extent set forth above, and in all other respects denied.

Dated: August 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–5889; Filed, August 11, 1941; 10:03 a. m.]

[1] The original petition requested such a reduction as would permit delivery at $3.55 per ton. An amendment filed on March 13, 1941 requested a reduction to permit delivery at $3.21.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 3 UNDER EXECUTIVE ORDER NO. 8389,[1] APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[2]

Appendix

AUGUST 11, 1941.

The Treasury Department has made the following reply to inquiries relative to General Licenses Nos. 15, 53, and 58:

Transactions may be engaged in pursuant to the terms and conditions of such general licenses, irrespective of the ownership, control or documentation of the vessel on which the goods, wares and merchandise are shipped, and irrespective of whether or not freight on such goods, wares and merchandise has been prepaid.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–5904; Filed, August 11, 1941; 12:02 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE NO. 16

By virtue of the Military Order of July 2, 1940,[3] and Executive Order No. 8712,[4] I, Russell L. Maxwell, Administrator of Export Control, have determined that:

1. Effective August 27, 1941, the forms, conversions, and derivatives of vegetable products (item 2, Proclamation No. 2496)[5] shall include the following in addition to items previously determined.[6]

[1] 5 F.R. 1400.

[2] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[3] 5 F.R. 2491.

[4] 6 F.R. 1501.

[5] 6 F.R. 3263.

[6] The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

The commodity forms, conversions, and derivatives determined in this Schedule are in addition to those appearing in the Comprehensive Export Control Schedule issued August 1, 1941, and will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published September 1, 1941.

VEGETABLE PRODUCTS

Unit of quantity	Commodity description	Department of Commerce No.
	DRUGS, HERBS, LEAVES, AND ROOTS	
Lb.	Aconite leaves and roots	*2209
Lb.	Colchicum roots and seeds	*2209

2. Effective August 27, 1941, the forms, conversions, and derivatives of machinery (Proclamation No. 2475) [1] shall include the following in addition to items previously determined:

MACHINERY

Unit of quantity	Commodity description	Department of Commerce No.
	ELECTRICAL MACHINERY AND APPARATUS	
Unit	Radio transmitting sets, tubes, and parts, in addition to those containing mica subject to export control.	7076
	INDUSTRIAL MACHINERY	
Unit	Grinding mills, classifiers, and equipment therefor.	7443

3. Effective August 27, 1941, the forms, conversions, and derivatives of chemicals (item 1, Proclamation No. 2496) shall include the following in addition to items previously determined:

CHEMICALS

Unit of quantity	Commodity description	Department of Commerce No.
	COAL-TAR PRODUCTS	
Lb.	Tricresyl phosphate	*8025.9
Lb.	Triphenyl phosphate	*8025.9
	CHEMICAL SPECIALTIES	
Lb.	Chromium tanning mixtures	*8239
	INDUSTRIAL CHEMICALS	
	Acids and anhydrides:	
Lb.	Citric acid	*8303
Lb.	Oxalic acid	*8303

4. Effective August 27, 1941, the forms, conversions, and derivatives of chemicals (item 1, Proclamation No. 2496) shall include the following (superseding Phenol-formaldehyde Resins and Urea-formaldehyde Resins as listed in Export Control Schedule No. 12):

[1] 6 F.R. 1983.

CHEMICALS

Unit of quantity	Commodity description	Department of Commerce No.
	CHEMICAL SPECIALTIES	
	Phenol-formaldehyde resins:	
Lb.	Unfabricated in powder, flake, or liquid form.	*8255
Lb. or units.	Sheets, plates, rods, tubes, and other unfinished forms.	*8260 *8261
	Urea-formaldehyde resins:	
Lb.	Unfabricated in powder, flake, or liquid form.	*8257
Lb. or units.	Sheets, plates, rods, tubes, and other unfinished forms.	*8260 *8261

5. Effective August 27, 1941, the forms, conversions, and derivatives of vegetable products (item 2, Proclamation No. 2496) shall include the following (superseding Pyrethrum or Insect Flowers as listed in Export Control Schedule No. 12):

VEGETABLE PRODUCTS

Unit of quantity	Commodity description	Department of Commerce No.
	DRUGS, HERBS, LEAVES, AND ROOTS	
Lb.	Pyrethrum or Insect Flowers, powder, or extract.	*2209

6. Effective August 27, 1941, the forms, conversions, and derivatives of cadmium (item 1, Proclamation No. 2463) [2] shall consist of the following (superseding Cadmium as listed in Export Control Schedule No. 1):

METALS AND MANUFACTURES

Unit of quantity	Commodity description	Department of Commerce No.
	NONFERROUS METALS	
	Cadmium:	
Long ton	Dross, flue dust, residues, and scrap.	*6245
Lb.	Metal	*6249
Lb.	Alloys	*6249
	Cadmium salts and compounds (as listed under Industrial Chemicals in Export Control Schedule No. 1).	

By direction of the President:

RUSSELL L. MAXWELL,
Brigadier General, U. S. Army,
Administrator of Export Control.

AUGUST 8, 1941.

[F. R. Doc. 41-5841; Filed, August 8, 1941; 3:40 p. m.]

[2] 6 F.R. 1299.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment to General Preference Order No. M-15 To Conserve the Supply and Direct the Distribution of Rubber

(a) Section 940.1 [1] (General Preference Order No. M-15) is hereby amended as follows:

(1) Paragraph (c) of said section is hereby amended by adding thereto subparagraph (3), reading as follows:

(3) No Processor shall, after midnight on August 23, 1941, consume or process any Rubber for the purpose of producing tires having a white sidewall or white sidewalls.

(b) This Amendment shall take effect on the 8th day of August 1941.

(O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 8th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-5853; Filed, August 9, 1941; 11:38 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 962—STEEL

General Preference Order M-21 to Conserve the Supply and Direct the Distribution of Steel

Whereas the national defense requirements have created a shortage of steel, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 962.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Steel" means all carbon and alloy steel castings, ingots, blooms, slabs, billets, forgings, and all other semi-finished

[1] 6 F.R. 3060.

and finished rolled or drawn carbon and alloy steels.

(2) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(3) "Producer" means any person who produces steel, as herein defined.

(4) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The Government of Great Britain and the government of any other country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(ii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iii) Any contract or order placed or offered by any person for the delivery of any material or equipment needed by him to fulfill his contracts or orders on hand, which material or equipment is required for the fulfillment of any contracts or orders included under (i) and (ii), above.

(b) *Directions as to deliveries.* Deliveries of steel by any producer or any other person shall be made only in accordance with the following directions:

(1) *A–10 assigned to certain defense orders.* Deliveries under all Defense Orders to which a preference rating of A–10 or higher has not been specifically assigned are hereby assigned a preference rating of A–10.

(2) *Sequence of preference ratings.* Preference ratings in order of precedence are: AA, A–1–a, A–1–b, etc., * * * A–1–j; A–2, A–3, etc., * * * A–10, etc., AA being the highest rating presently assigned.

(3) *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or as to whether a particular order is a Defense Order, the matter is to be referred to the Division of Priorities for determination, with a statement of all pertinent facts.

(4) *Sequence of deliveries.* (i) Every delivery under a Defense Order shall be made in preference to deliveries under other orders whenever, and to the extent, necessary to fulfill the delivery schedule provided in the Preference Rating Certificate covering such delivery, or in the contract, commitment, or purchase order if no Certificate has been issued. Deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary to assure those deliveries bearing higher preference ratings, even though such deferment may cause defaults under existing contracts, commitments, or purchase orders. Each person who has Defense Orders on hand must so schedule his production and deliveries that deliveries under Defense Orders will be made on the dates required, giving precedence in case of unavoidable delay to deliveries bearing the higher preference ratings.

(ii) The sequence of deliveries bearing the same preference rating shall be governed by the delivery dates specified in the respective Preference Rating Certificates assigned thereto, or if the ratings were assigned by order or direction of the Director of Priorities, but no Certificates were issued, then by the dates specified in the contracts, commitments, or purchase orders. In any case where preference ratings and delivery dates are the same, and it is impossible to make all deliveries on schedule, the matter is to be referred to the Division of Priorities for determination.

(5) *Delivery schedules.* No earlier delivery date shall be specified in any Defense Order than required by the production or delivery schedules of the person placing the Defense Order. No preference rating will be assigned to any contract, commitment, or purchase order specifying delivery dates earlier or quantities greater than required by the production or delivery schedules of the person placing the contract, commitment, or purchase order.

(6) *Use of material obtained under allocation or preference rating.* Any person who obtains a delivery of steel under an order or specific direction of the Director of Priorities, or a delivery of such material bearing a preference rating, must use such material, or an equivalent amount thereof, for the purpose specified in connection with the issuance of the order, direction, or rating.

(7) *Acceptance of defense orders.* Defense Orders for steel, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts, commitments, or purchase orders for such material, subject to the following provisions:

(i) Defense Orders shall be accepted even if acceptance will render impossible, or result in deferment of:

(*a*) Deliveries under non-defense orders previously accepted; or

(*b*) Deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities.

(ii) Defense Orders need not be accepted:

(*a*) If delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities; or

(*b*) If the steel ordered is not of the kind usually produced or capable of being produced by the person to whom the Defense Order is offered; or

(*c*) If the person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale, but there shall be no discrimination against Defense Orders in establishing such prices or terms of sale; or

(*d*) If such Defense Orders specify deliveries within twenty-one days, and if compliance with such delivery dates would require the termination or alteration before completion of a specific production schedule already commenced, but this provision shall not authorize rejection when such schedule can be terminated or altered without substantial loss to the producer.

(8) *Rejected orders and deferred deliveries.* When a Defense Order for steel has been rejected or delivery thereunder has been unreasonably or improperly deferred in violation of this Order, the person seeking to place such order or obtain such delivery may file with the Division of priorities a verified report in the form to be prescribed by the Division of Priorities, setting forth the facts in connection with the rejection or deferment. When the facts set forth justify such action, the Director of Priorities will thereupon direct the person against whom complaint is made to submit a sworn statement, setting forth the circumstances concerning the alleged rejection or deferment. Thereafter, such action will be taken by the Director of Priorities as he deems appropriate.

(9) *Civilian deliveries.* Subject to the limitations and restrictions contained in this Order and after satisfaction of all Defense Orders, deliveries under any other contracts, commitments, or purchase orders may be made.

(10) *Intra-company deliveries.* The prohibitions or restrictions contained in this Order shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division, or section of the same or any other business enterprise owned or controlled by the same person.

(11) *Effect of order: Damages.* The prohibitions or restrictions contained in this Order shall, in the absence of a contrary direction, apply to all deliveries made after the effective date of this Order, including deliveries under contracts, commitments, or purchase orders accepted either prior to or subsequent to such effective date. No person shall be held liable for damages or penalties for any default under any contract, commitment, or purchase order which results directly or indirectly from his compliance with the terms of this Order.

(12) *Inventory restriction.* Unless specifically authorized by the Director of

Priorities, no person shall, after the effective date of this Order, knowingly make delivery of steel, and no person shall accept delivery thereof, in an amount, quantity, or number which will increase for any current month the inventory of such steel of the person accepting delivery, in the same or other forms, in excess of the amount, quantity, or number necessary to meet required deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation.

(13) *Special instructions.* (i) Beginning September 1, 1941, no producer of steel shall make, and no person shall accept delivery of steel from a producer unless and until such person shall have filed with the producer at the time of placing his purchase order or contract, a statement on Form PD-73,[1] hereto attached, or in such other form as may from time to time be prescribed by the Division of Priorities, setting forth the purposes for which the material ordered will be used. In the case of orders or contracts placed prior to September 1, 1941 such statement shall be filed before October 15, 1941.

(ii) The Director of Priorities may from time to time issue specific directions to producers requiring them to make deliveries of steel during specified periods in fulfillment of contracts, commitments, or purchase orders for particular purposes or to particular persons. Such directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings assigned to particular contracts, commitments, or purchase orders. When necessary to assure fulfillment of such directions, the Director may also require any producer to modify or adjust particular production schedules. The Director may also require a person seeking to place a purchase order for steel to place the same with a particular producer.

(iii) For the month of August, 1941, and for each month thereafter, each producer shall make at the time requested by the Director of Priorities, a report in the form to be prescribed by the Director, which shall set forth all records of the orders received and shipments made during such month, and the unfilled orders as of the last day of such month in group and product classifications according to the instructions of the Director, together with such other information as the Director shall from time to time require.

(14) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of steel after the satisfaction of all defense requirements, direct or indirect, shall be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(c) *Records.* All persons affected by this Order shall keep and preserve for a period of not less than two years accurate and complete records of their inventories of steel, and of the details of all transactions in such material. Such records shall include the dates of all contracts, commitments, or purchase orders accepted, the delivery dates specified in such contracts, commitments, or purchase orders, and in any Preference Rating Certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts, commitments, or purchase orders, description of deliveries by classes, types, quantities, weights, and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts, commitments, or purchase orders, details of all Defense Orders either accepted or offered and rejected, and other pertinent information.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(e) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *False statements.* Any person who wilfully falsifies any records which he is required to keep by the terms of this Order or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management, and any person who obtains a delivery or a preference rating for a delivery by means of a material and wilful misstatement, may be prohibited by the Director of Priorities from making or obtaining further deliveries of steel. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of steel by the provisions of this Order shall, as soon as practicable, notify each of his regular customers of the requirements of this Order but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this Order.

(i) *Revocation of general steel preference delivery order.* General Steel Preference Delivery Order issued May 29, 1941, as amended,[2] is hereby revoked, effective as of the effective date of this Order.

(j) *Effective dates.* This Order shall take effect on the day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, sec. 9, Public No. 783, 76th Congress.)

Issued this 9th day of August, 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-5891; Filed, August 11, 1941; 11:26 a. m.]

PART 968—SILK WASTE, SILK NOILS AND GARNETTED OR RECLAIMED SILK FIBER

General Preference Order M-26 To Conserve the Supply and Direct the Distribution of Silk Waste, Silk Noils, and Garnetted or Reclaimed Silk Fiber

Whereas, the uncertainty of future shipments of raw silk from abroad threatens to create a serious shortage in the supply of silk waste, silk noils, and garnetted or reclaimed silk fiber, which are essential components of products required for national defense, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 968.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The Government of Great Britain and the government of any other country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

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[1] Filed as part of the original document.

[2] 6 F.R. 2718, 3255.

(ii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher;

(iii) Any contract or order placed or offered by any Person for the delivery of any material or equipment needed by him to fulfill his contracts or orders on hand, which material or equipment is required for the fulfillment of any contracts or orders included under (i) and (ii) above.

(2) "Person" means and includes any individual, partnership, association, corporation or other form of enterprise.

(b) *Restrictions on deliveries.* No Person shall hereafter make delivery and no Person shall accept delivery of silk waste, silk noils, or garnetted or reclaimed silk fiber unless specifically authorized by the Director of Priorities, *Provided, however,* That deliveries of imported silk waste, silk noils, or garnetted or reclaimed silk fiber may be made without restriction to any person importing the same, either directly or through an agent.

(c) *Restrictions on processing.* No Person shall after midnight on August 9, 1941, commence the processing of any silk waste, silk noils, or garnetted or reclaimed silk fiber except for the purpose of filling a Defense Order, as herein defined, unless specifically authorized by the Director of Priorities.

(d) *Appeal.* Any Person who considers that compliance with this Order will work an undue hardship upon him may appeal by telegraph or mail to the Director of Priorities, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reason such Person believes that he is entitled to relief.

(e) *Effective date and termination.* This Order shall take effect on the 8th day of August 1941, and unless sooner terminated shall expire on the 31st day of January 1942. (O.P.M. Regulation 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec 2 (a), Public No. 671, 76th Congress; sec. 9, Public No. 783, 76th Congress.)

Issued this 8th day of August 1941.

E. R. STETTINIUS,
Director of Priorities.

[F. R. Doc. 41–5854; Filed, August 9, 1941; 11:38 a. m.]

CHAPTER X—FEDERAL WORKS ADMINISTRATOR

SUBCHAPTER B—DEFENSE PUBLIC WORKS

PART 1251—REGULATIONS RELATING TO DEFENSE PUBLIC WORKS

Sec.
1251.1 Defense Public Works Division.
1251.2 Applications, non-Federal and Federal.
1251.3 Consideration of applications.
1251.4 Private agency applications.
1251.5 Grants and loans.

By virtue of and pursuant to the authority vested in the Federal Works Administrator by Section 308 of the Act of October 14, 1940 (Public No. 849, 76th Congress), as amended, the following Rules and Regulations are hereby prescribed to carry out the provisions of such Act relating to defense public works:

§ 1251.1 *Defense Public Works Division.* There is hereby established within the Office of the Federal Works Administrator a "Defense Public Works Division," under the supervision and direction of a Director of the Defense Public Works Division.

Such Defense Public Works Division shall (a) receive and consider all applications for defense public works and for Federal assistance in the construction of defense public works and recommend to the Federal Works Administrator the final disposition of all such applications; (b) negotiate with public and private agencies for the making of loans and grants to such agencies for defense public works and equipment therefor, and for the making of contributions to such agencies for the maintenance and operation of defense public works; and (c) pursuant to allotments of funds therefor, and subject to such further rules and regulations as may be prescribed and such standards of safety, convenience and health as may be established (1) select sites for and plan, design, construct, remodel, extend, repair or lease public works to be owned by the United States, and demolish structures, buildings and improvements, on lands of the United States available therefor, provide proper approaches thereto, utilities and transportation facilities, and procure necessary materials, supplies, articles, equipment, and machinery and do all things in connection therewith to carry out the purposes of the Act of October 14, 1940, as amended, relating to defense public works and (2) make loans or grants, or both, to public and private agencies for defense public works and equipment therefor and make contributions to such agencies for the maintenance and operation of defense public works.*

*§§ 1201.1 to 1201.5, inclusive, issued under the authority contained in Section 308 of the Act of October 14, 1940 (Public No. 849, 76th Congress), as amended.

§ 1251.2 *Applications, non-Federal and Federal.* Applications from non-Federal public and private agencies for Federal assistance in the construction of defense public works and equipment therefor and applications for contributions to such agencies for the maintenance and operation of defense public works shall be in such form and include such data as may be required by the Director of the Defense Public Works Division. Applications for the construction by the Federal Works Administrator of defense public works to be owned by the United States may be received from departments, agencies and instrumentalities of the United States, including constituent units of the Federal Works Agency, or from any non-Federal public or private agency, and shall be in such form and include such data as may be required by the Director of the Defense Public Works Division.*

§ 1251.3 *Consideration of applications.* In the consideration of all applications consultation shall be had, as may appear appropriate, with the Federal Security Agency and its constituent units, the War and Navy Departments and any other departments, agencies and instrumentalities of the United States familiar with special defense needs and situations. Proposed findings pursuant to Section 202 of said Act of October 14, 1940, as amended, shall, when submitted to the President, be supported by an appropriate certificate that in the specified area or locality an acute shortage of public works or equipment therefor exists or impends which would impede national defense activities, which certificate shall be obtained by the Federal Works Administrator from the department, agency or instrumentality of the United States carrying on or having supervision or control of a national defense activity which would be so impeded. In determining the projects to be submitted to the President for approval full consideration shall be given by the Federal Works Administrator to the total need for public works and equipment in national defense activities.*

§ 1251.4 *Private agency applications.* A private agency otherwise eligible as an applicant shall not be considered ineligible by reason of the fact that a profit is earned in its operations if such profit accrues to the benefit of or promotes the general welfare of the community.*

§ 1251.5 *Grants and loans.* No fixed relation between the amount of grant and the cost of the project is prescribed for projects to be financed by way of grant or loan and grant to non-Federal public or private agencies and the amount of grant shall be determined for each project on the basis of the pertinent facts and with due regard to the ability of the applicant to participate in the financing of such project. Loans shall be on a 3% interest basis and all bonds or other obligations shall be purchased at a price of par plus accrued interest.*

In testimony whereof, I have hereunto set my hand and official seal at the city of Washington this 16th day of July, 1941.

[SEAL] JOHN M. CARMODY,
Federal Works Administrator.

[F. R. Doc. 41–5848; Filed, August 9, 1941; 10:57 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1309—COPPER AND COPPER ALLOYS

PRICE SCHEDULE NO. 15—COPPER

The Office of Price Administration and Civilian Supply is charged with the main-

tenance of price stability and the prevention of undue price rises and price dislocation. Copper is a basic material for the production of many defense products and as such has been subjected to a method of complete control of its distribution by a General Preference Order of the Office of Production Management, No. M-9-a,[1] effective August 6, 1941. In order to equalize the price to all consumers under that preference order and in the interest of national defense and of the public, the establishment of maximum prices for copper is necessary. On the basis of information secured by independent investigation by this Office and upon information furnished by the Trade, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper.

Therefore, under the authority vested in me by Executive Order 8734,[2] it is hereby directed that:

§ 1309.51 *Maximum prices for copper.* (a) On and after August 12, 1941, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in § 1309.53 hereof, no person shall sell, offer to sell, deliver or transfer copper to any person other than the Metals Reserve Company and no purchaser other than the Metals Reserve Company shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1309.60: *Provided, however,* That any person, who, between July 1, 1941 and August 12, 1941, has bought copper in carload lots (for resale in less than carload lots) at prices not more than ½¢ per pound in excess of the maximum prices established by this Schedule, may be permitted to sell and deliver such copper at prices not more than ½¢ per pound in excess of the maximum prices for less than carload lots established by this Schedule upon application to the Office of Price Administration and Civilian Supply for exception to this Schedule.

(b) Except as otherwise provided in § 1309.60, the prices established by this schedule are delivered prices at the buyer's place of business and are gross prices before the deduction of any discounts and include all commissions.*

*§§ 1309.51 to 1309.60, inclusive issued pursuant to the authority contained in Executive Order No. 8734.

§ 1309.52 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer at a price of copper, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding or otherwise.*

[1] 6 F.R. 3889.
[2] 6 F.R. 1917.

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by this Schedule may make application upon forms available upon request, to the Office of Price Administration and Civilian Supply for permission to carry out such contract or commitment at the contract price. Such permission will be granted only; (a) where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941 at a price not more than ½¢ per pound in excess of the maximum prices established by this Schedule, and where such firm commitment is actually carried out prior to December 31, 1941; or (b) where the applicant is a dealer and the permission is necessary to protect the applicant against loss and where the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.*

§ 1309.54 *Records.* Every person making purchases or sales of copper after August 12, 1941 shall keep for inspection by the Office of Price Administration and Civilian Supply for a period of not less than five years complete and accurate records of: (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity, in pounds or tons, of copper (i) on hand, and (ii) on order, as of the close of each calendar month.*

§ 1309.55 *Enforcement.* In the event of refusal or failure to comply with the price limitations, record requirements, or other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price regulations or other provisions contained in this Schedule, this Office will make every attempt to assure: (a) That the Congress and the public are fully informed of any failure to abide by the provisions of this Schedule, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with this Schedule in the maintenance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitation set forth or of any evasion of or attempt to evade such requirements or of speculation or manipulation of the prices of copper or of the hoarding or accumulation of unnecessary inventory thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

§ 1309.56 *Supplements to the schedule.* In order to insure compliance with this Schedule, supplements further defining its scope, and, if necessary, requiring reports to the Government will be issued from time to time when found appropriate.*

§ 1309.57 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1309.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity.

(b) "Copper" includes all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material, or scrap.

(c) "Carload lot" means the minimum quantity of copper required to obtain railroad carload rates from the point of shipment to the point of destination.

(d) "Dealer" means a person who receives physical delivery of copper and sells or holds the same for resale without change in form.*

§ 1309.59 *Effective date of the schedule.* This Schedule shall become effective on August 12, 1941.*

§ 1309.60 *Appendix A—Maximum prices*—(a) *Maximum Connecticut Valley base prices.*

Grade	Price Per Lb. (Cents)
Electrolytic, Lake or other fire refined copper made to meet the American Society of Testing Materials Standard, B5-27, for electrolytic copper	12
Casting copper made by fire refining to a standard of 99.5% pure including silver as copper	11¾

The maximum prices fixed above are for copper in the shape of wire bars or ingot bars delivered in carload lots at Connecticut Valley points.

(b) Differentials for other kinds, grades, shapes or forms.

For copper of any other kind, grade, shape or form there shall be added to or subtracted from the Connecticut Valley base price the customary premiums or discounts for such kind, grade, shape or form which the seller would have added to or subtracted from the Connecticut Valley base price on August 11, 1941.

(c) Differentials for deliveries at points other than Connecticut Valley Points.

For deliveries at any point other than a Connecticut Valley point there shall be added to or subtracted from the Connecticut Valley base price the customary differential which the seller would, on August 11, 1941, have added to or subtracted from the Connecticut Valley base price adjusted for the kind, grade, shape or form differential.

(d) Differentials for less than carload lot shipments.

For less than a carload lot the maximum price shall be f. o. b. shipping point

and shall be calculated by adding to the Connecticut Valley base price adjusted for the kind, grade shape, form and delivery differentials the following premiums:

Quantity	*Price per lb. (cents)*
0–499 pounds	2
500–999 pounds	1½
1,000–4,999 pounds	1
5,000 pounds to carload	¾

The above prices for less than a carload lot shall not apply to a sale, delivery, or transfer by the refiner or producer of copper.

A refiner or producer of copper shall be permitted to sell less than carload lots at a delivered price not more than ½¢ per pound above the Connecticut Valley base price adjusted for the kind, grade, shape, form and delivery differentials.*

Issued this 12th day of August, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–5898; Filed, August 11, 1941; 11:32 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS [1]

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*

GENERAL REGULATIONS

* * * * *

SPECIAL REGULATIONS

(b) * * *

Subparagraph (b) (12) is hereby amended by adding Hudeman Slough to the list of waterways therein, the sidehead to read as follows:

(12) *Corte Madera Creek, Gallinas Creek, Novato Creek, Cordelia Slough, Hill Slough, Pacheco Creek, Devils Slough, Eureka Slough, Dutchmans Slough, Mud Slough, Coyote Creek, Hudeman Slough.* (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. July 31, 1941 (E.D. 6371 (U.S.—Hudeman Slough, Calif.)—½)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–5846; Filed, August 9, 1941; 10:47 a. m.]

[1] § 203.710 (b) (12) is amended.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 136]

PART 47—TEMPORARY VARIANCE FOR SEA AND GREAT LAKES COASTWISE VOYAGES

Section 47.2, *Vessels eligible,* is hereby amended to read:

§ 47.2 *Vessels eligible.* All steamers (except passenger vessels) and shipshaped modeled steel oil tank barges engaged in coastwise voyages by sea from port to port in the continental United States or on the Great Lakes from port to port in the United States, and which have been marked with load lines under §§ 43.01 to 43.67, 43.92 to 43.106, or 45.01 to 45.80 (all inclusive), are eligible to be marked under this part if approved therefor by the Bureau of Marine Inspection and Navigation. (Sec. 2, 49 Stat. 888, 1543; 46 U.S.C., Supp. 88a, and the Act of July 3, 1941).

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–5903; Filed, August 11, 1941; 11:45 a. m.]

SUBCHAPTER E—LOAD LINES

[Order No. 135]

PART 48—FOREIGN VOYAGES DURING THE NATIONAL EMERGENCY

AUGUST 9, 1941.

A new part is added reading as follows:

Sec.
48.1 Establishment of load line regulations for the foreign trade during the national emergency.
48.2 Applicable provisions.
48.3 Vessels.
48.4 Freeboard.
48.5 Approval by Bureau of Marine Inspection and Navigation.
48.6 Load line certificates.
48.7 Certificates: Great Lakes.
48.8 Reciprocity.

§ 48.1 *Establishment of load line regulations for the foreign trade during the national emergency.* Load lines are hereby established during the national emergency for vessels engaged in the foreign trade, as authorized by the Act to establish Load Lines for American Vessels and for Other Purposes, approved March 2, 1929 (45 Stat. 1492, 46 U.S.C., Chapter 2A) and the Coastwise Load Line Act, 1935, as amended (Sec. 2, 49 Stat. 888, 1543, U.S.C., Supp. 88a) and by the President's proclamation of August 9, 1941,[1] suspending the application of the International Load Line Convention of 1930.*

*§§ 48.1 to 48.8, inclusive, issued under the authority contained in sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, 1543; 46 U. S. C., Sup., 85a, 88a; Procs. 2487, 6 F.R. 2617, 2500, 6 F.R. 3999.

§ 48.2 *Applicable provisions.* During the national emergency Parts 43 to 47, inclusive, relating to vessels in foreign trade shall be applicable to all vessels in such trade with such modifications as are hereinafter made with respect to the particular vessels referred to in §48.3.*

§ 48.3 *Vessels.* All steamers (except passenger vessels, open shelter deckers, vessels in the Atlantic trade of 330 feet and less in length, and vessels operating at timber load lines) and shipshaped modeled steel tank oil barges engaged in foreign voyages, which have been marked with load lines under §§ 43.01 to 43.67; 43.92 to 43.106, or 45.01 to 45.80 (all inclusive), will be permitted to operate with load lines as provided in § 48.4.*

§ 48.4 *Freeboard.* Vessels referred to in § 48.3 which the Bureau of Marine Inspection and Navigation shall find are in proper condition, and shall so certify to the assigning authority, may load, when engaged on ocean voyages:

(a) When in a summer zone or season, to the tropical load line.

(b) When in a tropical zone or season, to the tropical fresh water line.

(Vessels engaged in voyages in seasonal winter and seasonal winter North Atlantic zones shall comply with the requirements of Part 43 of the Load Line Regulations. Vessels operating at timber load lines determined by Part 43 shall operate at such load lines.)*

§ 49.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before such a vessel shall be authorized to loan one mark deeper in summer and tropical seasons than permitted by the marks and certificates issued under Part 43, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to whether or not the deeper loading provided for by this Part shall be authorized.*

§ 48.6 *Load line certificates.* For those vessels permitted to load on ocean voyages as provided in § 48.4, there shall be issued by the assigning authority for attachement to their International Load

[1] Proclamation 2500, *supra.*

Line Certificate an authorization certifying thereto, in the following form:

To Whom it May Concern:

As instructed by the Bureau of Marine Inspection and Navigation of the Department of Commerce, in accordance with the Load Line regulations of the Secretary of Commerce, the SS _____, Official No. _____, is hereby authorized to load as follows:

When in a tropical zone or season, or in a summer zone or season, as defined in Part 43 of the Department of Commerce Load Line Regulations;

In tropical zone or season, to tropical fresh water load line mark.

In summer zone or season, to tropical load line mark.

This authorization does not apply to timber load line marks.

(Assigning Authority)

*

§ 48.7 *Certificates; Great Lakes.* For those vessels operating on the Great Lakes and engaged in voyages to Canada, the words required by Part 47 to be entered on their Load Line Certificate "Valid only from port to port in the United States" shall be omitted.*

§ 48.8 *Reciprocity.* Foreign vessels which have been marked with load lines to permit a depth of loading not to exceed the practical equivalent of that determined by this Part, such vessel and her master and owner shall be exempted as provided by sec. 5 of the Load Line Act of March 2, 1929 (45 Stat. 1492; 46 U. S. C., Chapter 2A), and sec. 5 of the Coastwist Load Line Act 1935 (49 Stat. 888, 1543, 46 U. S. C. Supp. 88a) provided that this exemption shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under the regulations in this part.*

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-5858; Filed, August 9, 1941; 1:59 p. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST [1]

SECTION I

11. *China and Japan.* Executive Order No. 8832,[2] July 26, 1941, further extends the provisions of Executive Order No. 8389, referred to, so as to include China and Japan or any national thereof effective on or since June 14, 1941, and the instructions of the Treasury and War Departments in paragraph 1 are similarly applicable. (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 21 W.D., July 25, 1940, as amended by Proc. Cir. 60, July 31, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5847; Filed, August 9, 1941; 10:46 a. m.]

[1] Paragraph 11 is added. See 6 F.R. 3736.
[2] 6 F.R. 3715.

[Contract No. W 535 ac-149]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: NASH-KELVINATOR CORPORATION, 14250 PLYMOUTH ROAD, DETROIT, MICHIGAN

Contract [1] for: * * * Airplane Propeller Assemblies and Spare Parts.

Estimated Cost: $14,375,000.00.

Fixed Fee: $862,500.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same: AC 299 P 122-30 A0021-13.

This contract, entered into this 28th day of June 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish, and deliver to the Government the following articles:

Item 1 * * * Propeller Assemblies.

Item 2 Spare parts for the above propellers.

ART. 2. *Estimated costs.*

Item:	*Quantity*	*Estimated cost*
(1)	* * * Propeller Assemblies	$12,500,000.00
(2)	Spare parts for the above propellers	1,875,000.00
	Total Estimated Cost	14,375,000.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement for costs and payments on account of the fixed fee as outlined in Article 6 hereof, the cost of the work to be performed under this contract plus a fixed fee of eight hundred sixty-two thousand five hundred dollars ($862,500.00).

Any costs incurred by the Contractor under the terms of this contract which would constitute an allowable item of cost under the provisions of paragraph (b) of this Article shall be included in determining the amount payable under this contract.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings, instructions, and specifications.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3, as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said Article 3, shall be paid to the Contractor.

(c) *Advance payments.* (1) At any time and from time to time after the approval of this contract, the Government, at the request of the Contractor and subject to the approval of the Chief of the Air Corps as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed four million three hundred twelve thousand and five hundred dollars ($4,312,500.00) or thirty per centum (30%) of the estimated cost of this contract, exclusive of the fixed fee.

(2) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Secretary of War may prescribe.

ART. 9. *Termination of contract by Government.* The Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

First, in the event the Contractor shall at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained.

Second, in the event conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

This contract authorized under the provisions of Section 1 (a) Act of July

[1] Approved by the Under Secretary of War June 30, 1941.

2, 1940, and Sec. 2 (a) Act of June 28, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5843; Filed, August 9, 1941; 10:46 a. m.]

[Contract No. W-ORD-525]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: CITIES SERVICE DEFENSE CORPORATION, NEW YORK, NEW YORK

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of Ammonium Picrate.

Place: Marche, Arkansas.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $6,390,440.00.

Fixed-fee for management service under Title I: $30,000.00.

Estimated cost of procuring equipment under Title II: $3,548,420.00.

Fixed-fee for procuring equipment under title II: $5,000.00.

Estimated cost of Training Key Personnel under Title III (Optional): $46,626.00.

Fixed-fee for Training Key Personnel under Title III: $1.00.

Estimated cost of operation under Title IV (Optional): $5,250,000.00.

Fixed-fee for operation under Title IV: $ * * * per pound.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27026 P99 A0141-02
ORD 27027 P99 A0141-02
ORD 50,195 P510-31 A0025-13
ORD 50,196 P531-32 A0025-13

This contract, entered into this 11th day of July 1941.

TITLE I—MANAGEMENT SERVICE

ARTICLE I-A. *Description of new ordnance facility.* 1. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Maumelle Ordnance Works, shall comprise a plant at or near Marche, Arkansas, upon a site to be furnished and made available by the Government, for the manufacture of Ammonium Picrate having an estimated average daily capacity of * * * pounds of such Ammonium Picrate.

ART. I-B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I-A hereof.

2. In the performance of the work described in section 1 of this Article I-B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I-C. *Estimates.* It is estimated that the total cost of the work under this Title I will be approximately six million three hundred ninety thousand four hundred forty dollars ($6,390,440.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of thirty thousand dollars ($30,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—PROCUREMENT OF PRODUCTION EQUIPMENT

ART. II-A. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. II-B. *Estimates.* It is estimated that the total cost under this Title II will be approximately three million five hundred forty eight thousand four hundred twenty dollars ($3,548,420.00), exclusive of the Contractor's fee.

ART. II-C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of Five Thousand Dollars ($5,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE III—TRAINING OF KEY PERSONNEL (OPTIONAL)

ART. III-A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV-A of Title IV.

ART. III-B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately Forty Six Thousand Six Hundred Twenty Six Dollars ($46,626.00), exclusive of the Contractor's fee.

ART. III-C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—OPERATION OF PLANT (OPTIONAL)

ART. IV-A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Con-

[1] Approved by the Under Secretary of War July 15, 1941.

tractor within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of * * * pounds of Ammonium Picrate, it being estimated that this quantity shall be equivalent to approximately * * * months operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional quantities of Ammonium Picrate, as may be directed from time to time by the Contracting Officer, and are within the capacity of the Plant, for a period of * * * months, and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in section 3 of Article IV–C, hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be Five Million Two Hundred Fifty Thousand Dollars ($5,250,000.00), exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for operation provided in section 3 of Article IV–A hereof, of * * * per pound of Ammonium Picrate manufactured hereunder in conformity with specifications which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in Section 4 of Article IV–A hereof, as indicated in Section 2 next above which fee shall constitute complete compensation for Contractor's services during continued operation.

TITLE V—COST OF THE WORK AND PAYMENT THEREFOR

ART. V–B. *Payments—Reimbursement for cost.* 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the original receipted invoices for materials, equipment, etc., or other original papers satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph a of Section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. a. The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

c. The fixed-fee of One Dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixed-fee provided for in Article IV–C of Title IV shall be paid promptly after the close of the calendar month.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* 1. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract. Such advance or advances shall be made in each case upon the furnishing of such surety bonds in such penal sums not exceeding the total aggregate advance as the Secretary of War may prescribe.

TITLE VI—TERMINATION

ART. VI–A. *Termination by Government.* 1. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—GENERAL

ART. VII–C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

Act of July 2, 1940 (Public No. 703, 76th Cong.) and the Act of June 30, 1941 (Public No. 139, 77th Cong.).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–5844; Filed, August 9, 1941; 10:46 a. m.]

[Contract No. W 7039 qm–1; O. I. No. 1–41]

SUMMARY OF COST-PLUS-A-FIXED-FEE ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: GENTRY & VOSKAMP AND JOSEPH W. RADOTINSKY 4 WEST 13TH STREET AND 312 COMMERCIAL NATIONAL BANK BUILDING RESPECTIVELY, KANSAS CITY, MISSOURI

Amount fixed fee: $21,980.00.

Estimated cost of construction project: $1,807,514.00.

Type of construction project: Construction of General Hospital, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Springfield, Missouri.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8237 P1–3211 A 0540.068–N the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 26th day of February, 1941.

[1] Approved by the Under Secretary of War, March 11, 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a General Hospital necessary buildings, temporary structures, utilities and appurtenances thereto, at Springfield, Missouri, and estimated to cost $1,807,514.00.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of twenty-one thousand nine hundred eighty dollars ($21,980.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b. (2) above.

Method of payment. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified pay rolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawing, specifications, and blue prints are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 309, 76th Congress, Approved August 7, 1939.

Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5860; Filed August 11, 1941; 9:37 a. m.]

[Contract No. W-7039 qm-2; O. I. No. 2-41]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: SWENSON CONSTRUCTION COMPANY, INC., 400 VICTOR BUILDING, KANSAS CITY, MO.

Contract[1] for: Constructing and completing * * * Bed O'Reilly General Hospital.

Amount: $1,713,500.00.

Place: Springfield, Mo.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority QM 8238 P1-3211 AO540-12, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 23d day of April 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for Constructing and completing * * * Bed General Hospital including all roads and utilities at Springfield, Missouri for the consideration of one million seven hundred thirteen thousand, five hundred and 00/100 dollars ($1,713,500.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Partial payments will be made as the work progresses, on the first and fifteenth of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

[1] Approved by the Under Secretary of War June 27, 1941.

This contract is authorized by the acts of Public Resolution No. 99, 76th Congress, 4th Supplement 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5861; Filed, August 11, 1941; 9:38 a. m.]

[Contract No. W 953 ORD 11]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: OLDS MOTOR WORKS, GENERAL MOTORS CORPORATION, LANSING, MICHIGAN

Contract[1] for: * * * Guns, Automatic, * * * Manufacturing Facilities.

Amount: $9,225,000.00, $3,750,000.00; total, $12,975,000.00.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof: (953) ORD 50066 P 024-30 A 0020-13.

This contract, entered into this 17th day of April 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Guns, Automatic, * * *, for the consideration stated $9,225,000.00.

The contractor will obtain and install manufacturing facilities, which will become the property of the United States Government. The contractor will effect such rearrangement of his property as may be necessary to provide for installation of Government Owned Facilities, $3,750,000.00; Total, $12,975,000.00; in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 1A. The United States reserves the right to increase the number of Guns, Automatic, * * *, to be furnished on this contract, at a price which will be lower than $ * * * per unit, such price to be negotiated at the time this option is exercised.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any exten-

[1] Approved by the Chief of Ordnance June 30, 1941.

sion thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 18. a. The contractor will obtain and install at the expense of the Government machines, tools, fixtures, and work gages in facilities provided by the contractor, and, where necessary, in the facilities of approved subcontractors.

c. Title of all property which shall be purchased by the contractor on behalf of the Government together with all property furnished by the Government to the contractor in connection with this contract shall vest in the Government.

ART. 25. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 39. This contract authorized under the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5862; Filed, August 11, 1941; 9:38 a. m.]

[Contract No. W 978 eng-2378]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SPERRY GYROSCOPE COMPANY, INC., MANHATTAN BRIDGE PLAZA, BROOKLYN, N. Y.

Contract for: * * * Searchlights.
Amount: $5,464,450.00.
Place: Office, Chief of Engineers, 2104 War Department Bldg., Washington, D. C.

This contract, entered into this tenth day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Searchlights for the consideration stated $5,464,450.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Supplemental Agreement to Contract No. W 978 eng-2378

Under date of June 10, 1941, a contract numbered W 978 eng-2378, modified by Supplemental Agreement[1] dated June 17, 1941, was entered into between the United States of America, hereinafter called the Government, and Sperry Gyroscope Company, Inc., a corporation organized and existing under the laws of the State of New York (hereinafter called the Contractor) providing for the furnishing of * * * Searchlights.

The Sperry Gyroscope Company, Inc., has offered a reduction in price of $ * * * in consideration of an Advance Payment of thirty per centum (30%) of the contract price upon approval of this agreement, thereby changing the total contract price to $5,669,500.00.

It is on this 18th day of June, 1941 agreed by and between the Government and the Contractor as follows:

ARTICLE 1. At any time and from time to time, after the approval of this Supplemental Agreement, at the request of the Contractor and subject to the approval of the Chief of Engineers, as to the necessity therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed $1,700,850.00.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such surety bond or bonds or other adequate security as the Secretary of War shall prescribe.

ART. 3. If at any time the Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Secretary of War.

Except as hereby amended, all the terms and conditions of the contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this Agreement.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-5863; Filed, August 11, 1941; 9:39 a. m.]

[Supplemental Contract No. B]

SUMMARY OF SUPPLEMENTAL CONTRACT[1] TO COST-PLUS-A-FIXED-FEE CONTRACT NO. W 6934 QM 1,[2] DATED AUGUST 30, 1940, FOR THE ARCHITECTURAL-ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION AND EQUIPMENT FOR AN AMMUNITION LOADING PLANT, AT RAVENNA, OHIO (SUPPLEMENTAL CONTRACT TO COLLATERAL CONTRACT TO CONTRACT NO. W-ORD-463, DATED AUGUST 28, 1940, BETWEEN UNITED STATES AND ATLAS POWDER COMPANY)

CONTRACTOR: WILBUR WATSON & ASSOCIATES, 4614 PROSPECT AVENUE, CLEVELAND, OHIO

Estimated cost: original, $11,940,000; supplemental, $4,064,100; cumulative total including prior changes, $17,179,115.

Fixed fee: original, $79,200; supplemental, $21,907; cumulative total including prior changes, $107,637.

Supplemental contract for: Architectural-Engineering services incident to the construction of an additional * * * line or equivalent, together with the necessary fuzes and boosters, and storage facilities.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No.:

QM 7413 P1-3211 A 0540.067-N
ORD 8234 P1-3211 A 0141-02
ORD 6784 P11-3211 A 1005-01

the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 27th day of June, 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Architect-Engineer services in connection with the construction of and equipment for an Ammunition Loading Plant at Ravenna, Ohio bearing date of August 30, 1940, and being identified as Contract No. W 6934 qm 1 (hereinafter referred to as the "principal contract").

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[1] Approved by the Under Secretary of War, July 5, 1941.

[1] Approved by the Under Secretary of War June 30, 1941.
[2] 5 F.R. 1067, 6 F.R. 2483.

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

1. Provide the necessary architectural-engineering services incident to the following changes in the work:

* * * bombs or equivalent
* * * Fuzes; and
* * * Boosters.

2. Add a new paragraph at the end of section I, Article I of the principal contract, as modified and amended, as follows:

The estimated cost of the work included in this Supplemental Contract is $4,064,100.

4. Delete sub-paragraph "a" of section 1 of Article VI of the principal contract as modified and amended, relating to the fixed-fee, and insert in lieu thereof the following:

a. A fixed-fee in the amount of $107,637 which shall constitute complete compensation for the Architect-Engineers' services.

5. The principal contract, except as modified and amended by this instrument shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5864; Filed, August 11, 1941; 9:39 a. m.]

[Supplemental Contract No. F]

SUMMARY OF SUPPLEMENTAL CONTRACT [1] TO COST-PLUS-A-FIXED-FEE CONTRACT NO. W 6934 QM 2, DATED AUGUST 30, 1940, FOR THE CONSTRUCTION OF RAVENNA ORDNANCE PLANT AT RAVENNA, OHIO.

CONTRACTOR: HUNKIN-CONKEY CONSTRUCTION COMPANY, 1740 E. 12TH STREET, CLEVELAND, OHIO

Estimated cost: Original, $11,564,500; supplemental, $4,312,291; cumulative total including prior changes, $21,730,405.

Fixed fee: Original, $375,500; supplemental, $71,209; cumulative total including prior changes, $560,432.

Supplemental contract for: Additional * * * Bomb Line or equivalent together with Fuze Line, Booster Line and Storage Facilities.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. ORD 8234 PL 29-77 AO540-12 the available balance of which is sufficient to cover the cost of same.

[1] Approved by the Under Secretary of War June 30, 1941.

This supplemental contract, entered into this 27th day of June 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the construction of and equipment for an ammunition loading plant at Ravenna, Ohio bearing date of August 30, 1940 as modified and amended, and being identified as Contract No. W 6934 qm 2, (hereinafter referred to as the "Principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

1. Add the following to the description of the work now set forth in section 1, Article I of the principal contract, as modified and amended:

Additional lines. * * * bombs or equivalent, * * * Fuzes, * * * Boosters.

2. Add to section 1, Article I of the principal contract a new paragraph between the third and fourth paragraphs relating to the estimated cost for the supplemental work to read as follows:

The estimated cost of the construction work covered by this supplemental contract exclusive of the contractor's fee is $4,312,291. The total estimated contract cost exclusive of the construction contractor's fixed-fee is $21,730,405.

3. Delete subparagraph (c) of section 1, Article I of the principal contract relating to the fixed-fee, as modified and amended, and insert in lieu thereof the following paragraph:

A fixed-fee in the amount of $560,432, which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

4. The principal contract, except as previously modified and amended by a supplemental contract and by this instrument, shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5865; Filed, August 11, 1941; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1778-FD]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 28, 1941, by the Bituminous Coal Producers Board for District 4 a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 7, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said

complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the month of April 1941 to the Ohio Power Company, Philo, Ohio, in Market Area 4, approximately 900 tons of mine run coal produced by the defendant at its Mt. Perry Mine, Mine Index No. 97, located in District No. 4, as crushed 2" nut and slack substandard first cut crop coal at a price of $1.40 per net ton, whereas the effective minimum price established f. o. b. said mine for mine run coal is $1.95 per net ton as contained in the Schedule of Effective Minimum Prices for District No. 4 for All Shipments, Except Truck.

Dated: August 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5868; Filed, August 11, 1941; 9:57 a. m.]

[Docket No. 1664-FD]

IN THE MATTER OF FRANK DAVID EWELL, JR., EWELL FUEL CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2838, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine.

(a) Whether or not Frank David Ewell, Jr., "Ewell Fuel Co.", registered distributor, Registration No. 2838, whose address is 200 E. Vickery, Fort Worth, Texas, the respondent in the above entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") executed October 26, 1940, by respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent on or about January 25, 1941, purchased from Hughes Fuel Company, sales agent for the Coalton Coal Company, a code member, one railroad carload of Black Diamond Domestic lump coal, produced at the Coalton Mine of said code member, Mine Index No. 34, located in Okmulgee County, Oklahoma, District No. 15, and on or about January 31, 1941, purchased from J. L. Hollingsworth, Code member, one railroad carload of Smithing coal, produced at the Crown Coal Company Mine of said code member, Mine Index No. 157 located in Haskell County, Oklahoma, District No. 15, and resold said coal to the Miller-Jones Coal and Oil Company, Fort Worth, Texas. Respondent accepted and retained discounts on the aforesaid transactions, although respondent was and is controlled by said purchaser, Miller-Jones Coal and Oil Company, he being an employee thereof; although respondent rendered no service of value to the code member vendors in said transactions, said transactions being entered into between the respondent and said Miller-Jones Coal and Oil Company primarily for the purpose of unjustly enriching the respondent, and except for the incidence of section 4 II (h) of the Act, the said Miller-Jones Coal and Oil Company would have purchased said coal directly from the code members or their agents; and although said respondent was in fact or in effect an agency or instrumentality of Miller-Jones Coal and Oil Company in said transactions, all in violation of section 4 II (h) and paragraph 12 of section 4 II (i) of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations, § 304.19 (c), of the Rules and Regulations for Registration of Distributors, and paragraphs (c), (e), (g) and (h) of the Agreement.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations For the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held on October 8, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Civil Service Room, U. S. Court House, Fort Worth, Texas.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: August 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5869; Filed, August 11, 1941; 9:57 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division, having issued a Notice of and Order for Hearing, dated May 14, 1941, in the above-entitled matter to determine whether or not the Pittsburg & Shawmut Coal Company, Registered Distributor, has violated certain provisions of the Bituminous Coal Act, the Bituminous Coal Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and its Agreement as distributor, executed September 9, 1940, pursuant to the Order of the Division dated June 19, 1940, in General Docket No. 12, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed, and for said purposes having given notice of information in the possession of the Division, and additional information having come into the possession of the Division;

It is ordered, That the Notice of and Order for Hearing, dated May 14, 1941, in the above-entitled matter be and it hereby is amended and supplemented to read as follows:

SECTION 1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 as amended (the "Act"), to determine

(a) whether or not the Pittsburg & Shawmut Coal Company, Registered Distributor, Registration No. 7349, whose address is 132 N. McKean Street, Kittanning, Pennsylvania, has violated section 4 II (e) of the Act, Part II (e) of the Bituminous Coal Code (the "Code"), section 4 II (g) of the Act, Part II (g) of the Code, section 4 II (i) (8) of the Act, Part II (i) (8) of the Code, Rules 1, 2, 5 and 6 of section VIII, section X, Rule 3

of section XII, Rule 8 of section XIII of the Marketing Rules and Regulations, paragraphs (a), (b), (d), (e), (f), and (h) of the Agreement of the Pittsburg & Shawmut Coal Company as distributor, executed September 9, 1940, pursuant to Order of the Division dated June 19, 1940 in General Docket No. 12 (hereinafter referred to as the "Distributor's Agreement"), and Order No. 14 of the National Bituminous Coal Commission (the "Commission"), dated July 15, 1937, and adopted as an order of the Division by Order of the Secretary of the Interior dated July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that information in the possession of the Division is to the effect that:

SEC. 2. During the period from December 1, 1940 to and including February 28, 1941, the defendant sold to numerous purchasers coal produced by various code members in District 1, for which no minimum prices, temporary or final, had been established by the Division, in violation of the Director's Order in General Docket No. 19, dated October 9, 1940, and paragraphs (b), (d), and (e) of its Distributor's Agreement, as follows:

Code member producers in district No. 1	Tonnage sold				
	December 1940	January 1941	February 1941	March 1941	Total tons
F. J. Adams, New Bethlehem, Pa.	338.875	384.45	530.95	802.55	2,056.825
Ben Desantes		41.75	236.30	200.25	478.300
R. W. Duncan, Rimer, Pa.			8.65		8.650
Ira Foster, Dayton, Pa.		37.55	52.70	34.15	160.400
C. H. Gathers, Brookville, Pa.			109.30	69.30	178.600
E. S. Geer, Timblin, Pa.		251.350	145.00	141.10	537.450
Loyal T. Henderson, New Bethlehem, Pa.	13.975	157.75	135.55	331.80	639.075
O. E. Houser, New Bethlehem, Pa.	61.100	139.250	185.55	208.25	594.150
C. F. Miller, New Bethlehem, Pa.	91.6125	172.775	194.50	9.70	468.5875
Ernest Moore, Oak Ridge, Pa.		26.20	192.95	459.10	678.250
Pence Coal Co., Fairmont City, Pa.		1,052.65	1,701.20	593.75	3,347.600
Priester Bros., Distant, Pa.	61.925	30.20	64.50	76.90	233.525
Scott L. Rearick, Distant, Pa.		16.35	916.70	623.10	1,556.150
T. R. Reddinger, Distant, Pa.	27.975	458.35	501.65	486.35	1,474.325
C. O. Schick, New Bethlehem, Pa.		175.60	133.75	68.00	377.350
Chas. F. Shumaker, Seminole, Pa.		44.50	96.00	166.65	307.150
Floyd Thomas, Putneyville, Pa.		9.60	122.95	115.35	247.900
Ross Traister, Rimer, Pa.		75.75	162.75	204.60	443.100
Wadding Bros.	9.500	150.55	120.85	36.20	317.100
	604.9625	3,260.625	5,611.80	4,627.10	14,104.4875

SEC. 3. During the period from October 1, 1940 to and including February 28, 1941, the defendant purchased approximately 6,992.75 tons of run of mine coal from the James Coal Mining Company, produced at its Orpha Mine, Mine Index No. 353, located in Armstrong County, Pennsylvania, and approximately 5,674.00 tons of run of mine coal from the Mohawk Mining Company, produced at its Mohawk Mine, Mine Index No. 356, located in Armstrong County, Pennsylvania, screened said run of mine coal into sizes and resold the sized coal to numerous purchasers, thereby selling coal for which no minimum prices, temporary or final, had been established by the Division, in violation of the Director's order in General Docket No. 19, dated October 9, 1940, and paragraphs (b), (d), and (e) of the Distributor's Agreement.

SEC. 4. (a) The defendant accepted and retained excessive distributor's discounts on coal purchased by it for resale from the Lost Hill Coal Company (H. C. Elkin), Lost Hill Mine, Mine Index No. 607, located at Dora, Pennsylvania, during the period from October 1, 1940 to February 28, 1941, and from Frank W. Milliron (Milliron Coal Company), Milliron Mine, Mine Index No. 655, located at Ringgold, Pennsylvania, during the period from December 1, 1940 to February 28, 1941, and physically handled by the defendant, in violation of paragraphs (a) and (d), respectively, of its Distributor's Agreement, as follows:

LOST HILL COAL COMPANY

Month of purchase by defendant	Size	Tonnage	Per ton f. o. b. mine price paid to producer	Effective minimum f. o. b. mine price per net ton
October 1940	R/M	[1] 680.05	$1.45	$2.20
November 1940	R/M	448.45	1.45	2.20
December 1940	R/M	319.85	1.55	2.20
January 1941	R/M	930.05	1.55	2.20
February 1941	R/M	1,420.55	1.55	2.20
March 1941	R/M	1,383.55	1.55	2.20
Total		5,182.50		

[1] Approximate.

FRANK W. MILLIRON

December 1940	R/M	822.85	$1.70	$2.25
January 1941	R/M	808.40	1.75	2.25
February 1941	R/M	1,157.10	1.75	2.25
March 1941	R/M	957.50	1.75	2.25
Total		3,746.85		

(b) During the months of October and November 1940, the defendant sold approximately 1086.90 and approximately 819.70 tons of coal, respectively, produced by Frank W. Milliron, from the Milliron Mine indicated above, for which no minimum prices, temporary or final, had been established by the Division, in violation of the Director's order in General Docket No. 19 dated October 9, 1940 and paragraphs (b), (d), and (e) of its Distributor's Agreement.

SEC. 5. During the period from October 1, 1940 to and including February 28, 1941, the defendant accepted and retained excessive distributor's discounts on coal purchased by it for resale from the Freebrook Coal Corporation, McWilliams Mine, Mine Index No. 583, located in Armstrong County, Pennsylvania, and physically handled by the defendant, thereby violating paragraphs (a) and (d), respectively, of its Distributor's Agreement.

SEC. 6. The defendant, in reporting to the Statistical Bureau for District No. 1 the transactions referred to in paragraphs 2, 3, 4 and 5 hereof, submitted false and untrue invoices in violation of section 4 II (i) (8) of the Act, Part II (i) (8) of the Code, Rule 3 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations and paragraph (f) of its Distributor's Agreement.

SEC. 7. The defendant, since October 1, 1940, utilized analyses in the sale and offer for sale of coal produced by Allegheny River Mining Company, code member, which was sold to the Erie Railroad Company, the Delaware, Lackawanna and Western Railroad Company, the City of Buffalo, New York, the Empire Builders Supply Company, Inc., Niagara Falls, New York, Fred E. Shardon, Lockport, New York, the Diamond Match Company, Oswego, New York, Dawson-Gruman Company, Inc., Syracuse, New York, and other consumers; failed to file with Statistical Bureau for District No. 1 or District Board No. 1 a report of the analyses used, in violation of Rule 1 of section VIII of the Marketing Rules and Regulations, and failed to accompany the analyses used with a statement to the effect that such analyses were properly filed with the Statistical Bureau for District No. 1, and the Bituminous Coal Producers' Board for District No. 1, in violation of Rule 2 of section VIII of the Marketing Rules and Regulations.

SEC. 8. The defendant, since October 1, 1940, made agreements with or accepted orders from the purchasers named in section 7 hereof for the sale of coal upon a penalty or a premium and penalty basis and failed to file the analyses upon which the premium and penalty clauses of such agreements and orders were based as required by Rule 1 of section VIII of the Marketing Rules and Regulations and, except in respect to a contract with the City of Buffalo, failed to file statements setting forth in full the terms of the premium and penalty provisions of the agreements and orders, in violation of Rule 5 of section VIII of the Marketing Rules and Regulations.

SEC. 9. The defendant failed to file with Statistical Bureau for District No. 1 copies of the contracts and orders referred to in section 8 hereof, in violation of Order No. 14 of the Commission dated

July 15, 1937, adopted as an order of the Division by the Secretary of the Interior on July 1, 1939.

SEC. 10. The defendant, since October 1, 1940, entered into and performed agreements made upon a penalty and premium basis with purchasers mentioned in section 8 hereof, which resulted in sales of coal being made at aggregate contract prices below the applicable minimum prices established by the Division for the coals sold, in violation of Rule 6 of section VIII of the Marketing Rules and Regulations.

SEC. 11. The defendant, since October 1, 1940, in respect to the shipments referred to in section 8 hereof, made allowances for alleged substandard preparation without complying with the requirements of section X of the Marketing Rules and Regulations and in violation thereof.

SEC. 12. During the period from October 1, 1940, through January 31, 1941, the defendant sold coal produced by the Allegheny River Mining Company at its Cadogan Mine, Mine Index No. 76, located in Armstrong County, Pennsylvania, below the effective minimum prices established therefor in violation of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Code, as follows:

Date	Size	Tonnage	Prices per net ton f. o. b. the mine	Effective minimum price per net ton f. o. b. mine price	Destination
October 1940	Egg	253. 0	$1. 96	$2. 20	Cobourg, Can.
November 1940	R/M	3, 008. 2	1. 91	2. 05	Cobourg, Can.
November 1940	Egg	506. 8	1. 96	2. 20	Cobourg, Can.
November 1940	R/M	676. 2	1. 92	2. 05	Island Pond, Vt.
December 1940	Egg	1, 218. 0	1. 96	2. 20	Cobourg, Can.
December 1940	R/M	3, 045. 85	1. 92	2. 05	Island Pond, Vt.
January 1941	Egg	771. 25	1. 96	2. 20	Cobourg, Can.
January 1941	R/M	2, 490. 15	1. 92	2. 05	Island Pond, Vt.
February 1941	Egg	248. 7	1. 96	2. 20	Cobourg, Can.
February 1941	R/M	3, 269. 2	1. 92	2. 05	Island Pond, Vt.
Total		15, 486. 35			

SEC. 13. During the period from October 1, 1940, to and including March 31, 1941, the defendant granted discounts or commissions, which were not authorized by the Marketing Rules and Regulations or the Order Prescribing Due and Reasonable Maximum Discounts and Establishing Rules and Regulations for the Registration of Distributors, dated June 19, 1940, on coal produced by the Allegheny River Mining Company at its Cadogan Mine, Mine Index No. 76, and at its Ringgold Mine, Mine Index No. 433, located in Armstrong County, Pennsylvania, and shipped to Ardean R. Miller, Rochester, New York, thereby selling the coal to said Ardean R. Miller below the effective minimum prices established for it, in violation of section 4 II (e) of the Act and Part II (e) of the Code, as follows:

Month	Mine	Tonnage	Size	Size group	Price per net ton f. o. b. mine	Effective minimum price per net ton f. o. b. mine
October 1940	Cadogan	397. 1	5/8"	5	$1. 65	$1. 85
November 1940	Cadogan	491. 7	5/8"	5	1. 65	1. 85
November 1940	Cadogan	590. 0	5/8" x 1 1/4"	2	1. 953	2. 10
December 1940	Cadogan	154. 6	5/8"	5	1. 65	1. 85
December 1940	Cadogan	47. 8	5/8" x 1 1/4"	2	1. 90	2. 10
December 1940	Ringgold	578. 3	3/4"	5	1. 906	2. 05
January 1941	Ringgold	507. 5	3/4"	5	1. 906	2. 05
January 1941	Cadogan	47. 0	5/8" x 1 1/4"	2	1. 953	2. 10
February 1941	Ringgold	588. 4	3/4"	5	1. 906	2. 05
March 1941	Ringgold	604. 2	3/4"	5	1. 906	2. 05
March 1941	Cadogan	265. 3	5/8"	5	1. 65	1. 85
Total tonnage		4, 271. 9				

SEC. 14. The defendant violated the provisions of section 4 II (g) of the Act, Part II (g) of the Code, Price Instruction No. 9 of Schedule of Effective Minimum Prices for District No. 1, for all shipments except truck, Price Instruction No. 6 of effective minimum prices for District No. 1 for truck shipments and section 4 II (e) of the Act and Part II (e) of the Code through the use of transportation facilities, the use of affiliated sales and transportation companies and other intermediaries and instrumentalities and by and through the absorption of transportation and other incidental charges as follows:

Subsequent to September 30, 1940, by utilizing the services of the Allegheny River Mining Company, code member, an affiliated coal producing company of the defendant maintaining cleaning and preparation facilities, whereby the code member producers located in Armstrong County, Pennsylvania, were required to pay exorbitant prices for loading coal into railroad cars, to pay for unnecessary washing and preparation of their coal, to pay for coal alleged to have been rejected due to such washing and preparation, and to absorb the transportation costs from the mine to the point from which such charges were assumed by the purchasers of the coal from the defendant; and which resulted in the sales of such coal below the effective minimum prices therefor; and

On or about April 19, 1941, by utilizing the Freebrock Coal Corporation, an instrumentality or intermediary of the defendant, to secure leases from many of the code member producers whose coal the defendant had previously sold, and to hire said producers as so-called "contractors" to operate the mines and load the coal into railroad cars, resulting in the defendant and the Freebrook Coal Corporation paying said "contractors" less than the effective minimum prices for their coal.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributors should be revoked or suspended, or other appropriate penalties be imposed, be held on August 13, 1941 at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court Room, Kittanning, Pennsylvania.

It is further ordered, That William A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office on or before August 11, 1941; and that if the defendant fails to file an answer within such period, unless the Director or the presiding officer shall otherwise order, the defendant shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and

orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: August 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-5870; Filed, August 11, 1941; 9:57 a. m.]

[Docket No. 2-FD]

IN THE MATTER OF THE APPLICATION OF ALABAMA COALS INCORPORATED FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER CONTINUING HEARING

Applicant, Alabama Coals Incorporated, a marketing agency previously granted provisional approval pursuant to section 12 of the Bituminous Coal Act of 1937, having been required by an Order dated July 21, 1941, to show cause why its provisional approval should not be modified in certain specified respects; and

The matter having been assigned for hearing on August 19, 1941; and

The applicant having moved on August 4, 1941, that the hearing be continued for a period of 30 days; and

It appearing appropriate that the hearing should be continued to a later date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be continued from August 19, 1941, until 10 a. m. September 24, 1941, at the place and before the officers previously designated.

Dated: August 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-5871; Filed, August 11, 1941; 9:57 a. m.]

[Docket No. 1627-FD]

IN THE MATTER OF ELMER MILLER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6455, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been scheduled for a hearing at 10 o'clock in the forenoon of August 11, 1941, at a hearing room of the Bituminous Coal Division at the Federal Building and Post Office, Catlettsburg, Kentucky, and the defendant having submitted an offer of settlement for consideration to the Division, and the Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of August 11, 1941, until 10 o'clock in the forenoon of September 15, 1941, at Catlettsburg, Kentucky, at a hearing room to be hereafter designated by an appropriate order of the Director and before the officers previously designated to preside at said hearing.

Dated: August 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-5872; Filed, August 11, 1941; 9:58 a. m.]

[Docket No. 1771-FD]

IN THE MATTERS OF: LITER COAL COMPANY, DEFENDANT

[Docket No. 1772-FD]

LLOYD GREENLAND (GREENLAND COAL COMPANY), DEFENDANT

[Docket No. 1775-FD]

ARCHIE J. HENDRICKSON (RUNNELLS COAL COMPANY), DEFENDANT

[Docket No. 1669-FD]

SMITH BROS. COAL COMPANY, A PARTNERSHIP, DEFENDANT

[Docket No. 1770-FD]

DALE MCCOY, DOING BUSINESS AS MCCOY COAL COMPANY, DEFENDANT

[Docket No. 1668-FD]

H. & H. COAL COMPANY, A PARTNERSHIP, DEFENDANT

[Docket No. 1768-FD]

URBANDALE COAL COMPANY, DEFENDANT

[Docket No. 1725-FD]

DOODLE BUG COAL COMPANY, DEFENDANT

[Docket No. 1727-FD]

W. J. HANEY (HANEY COAL COMPANY), DEFENDANT

[Docket No. 1769-FD]

CHAS. A. RIGGAN (RIGGAN COAL COMPANY), DEFENDANT

ORDER POSTPONING HEARINGS

The above-entitled matters have been previously scheduled for hearings at 10 a. m. on September 11, 1941 at the Grand Jury Room, United States Court House, Des Moines, Iowa;

It is ordered, That the hearings in the matters of Liter Coal Company, defendant, Docket No. 1771-FD and Lloyd Greenland (Greenland Coal Company), defendant, Docket No. 1772-FD be, and they hereby are, postponed to 10 a. m. on September 12, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

It is further ordered, That the hearings in the matters of Archie J. Hendrickson (Runnells Coal Company), defendant, Dock No. 1775-FD, and Smith Bros. Coal Company, A Partnership, defendant, Docket No. 1669-FD be, and they hereby are, postponed to 10 a. m. on September 15, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

It is further ordered, That the hearings in the matters of Dale McCoy, doing business as McCoy Coal Company, defendant, Docket No. 1770-FD, and H. & H. Coal Company, A Partnership, defendant, Docket No. 1668-FD be, and they hereby are, postponed to 10 a. m. on September 16, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

It is further ordered, That the hearings in the matters of Urbandale Coal Company, defendant, Docket No. 1768-FD, and Doodle Bug Coal Company, Defendant, Docket No. 1725-FD be, and they hereby are, postponed to 10 a. m. on September 17, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

It is further ordered, That the hearings in the matters of W. J. Haney (Haney Coal Company), defendant, Docket No. 1727-FD, and Chas. A. Riggen (Riggen Coal Company), defendant, Docket No. 1769-FD be, and they hereby are, postponed to 10 a. m. on September 18, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

Dated: August 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-5873; Filed, August 11, 1941; 9:58 a. m.]

[Docket No. 1625-FD]

IN THE MATTER OF THE CONSOLIDATED COAL & STOKER COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1804, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above entitled matter having been heretofore scheduled for 10 a. m. on August 11, 1941, at the City Hall, Spokane, Washington; and an order having been entered in the above entitled matter dated July 11, 1941, suspending the registration of the defendant, as a registered distributor, pursuant to the stipulation of the defendant dated July 7, 1941;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and the same is hereby cancelled.

Dated August 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-5874; Filed, August 11, 1941; 9:58 a. m.]

[Docket No. A-902]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR THE ESTABLISHMENT OF A PRICE CLASSIFICATION AND MINIMUM PRICES FOR CANNEL REFUSE COALS PRODUCED BY THE ISLAND CREEK COAL COMPANY, A PRODUCER IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937, AS EXTENDED

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that its pe-

tition therein be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: August 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5875; Filed, August 11, 1941; 9:58 a. m.]

[Docket Nos. A-340, A-394, A-413, A-418, A-445, A-479, A-510, A-545, A-627, A-651, and A-710]

PETITIONS OF STERLING SMOKELESS COAL COMPANY; DANIEL COAL COMPANY; ERNEST BRUNS; JOHN F. WILLIS, ET AL.; MILLER BROTHERS; SHERRODSVILLE COAL COMPANY; JAMES PALERMO; GEORGE ROSS; GEORGE KUFFNER, AND WILLIAM SHEET; HILL BROTHERS COAL COMPANY, HILL MOSHANNON COAL COMPANY; KLEEN COAL COMPANY; AND KATHRYN HOFFMASTER, HOFFMASTER COAL COMPANY

ORDER OF DISMISSAL

Original petitions or other documents praying for relief pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been filed by various producers with this Division, in the above-entitled matters;

A public hearing having been held on July 17, 1941, pursuant to an Order of the Director dated June 17, 1941, before J. D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which the original petitioners were ordered to show cause why the foregoing proceedings should not be dismissed;

None of the original petitioners having appeared, and there being no objection to the dismissal of the proceedings:

Now, therefore, it is ordered, That the proceedings in these above-entitled matters are dismissed and each docket closed.

Dated: August 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5876; Filed, August 11, 1941; 9:59 a. m.]

[Docket No. A-803]

PETITION OF THE RAYMOND CITY COAL AND TRANSPORTATION CORPORATION, A PRODUCER IN DISTRICT NO. 8, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICE OF COAL IN SIZE GROUPS 18-21 PRODUCED AT THE MONARCH MINE (MINE INDEX NO. 338) OF THE KANAWHA BY-PRODUCTS COAL COMPANY, PRODUCER IN DISTRICT NO. 8

ORDER OF THE DIRECTOR DENYING RELIEF

An original petition having been filed with the Bituminous Coal Division on April 8, 1941, by the Raymond City Coal and Transportation Corporation, a code member in District 8, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction in the price classification established for certain coals of the Monarch Mine (Mine Index No. 338) for shipment into all market areas;

Pursuant to an Order of the Director dated April 23, 1941, a hearing having been held in this matter on May 19, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division, Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; and the Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

Now, therefore, it is ordered, That the prayer for relief contained in the original petition herein of the Raymond City Coal and Transportation Corporation for a reduction in the price classification established for the coals of the Monarch Mine (Mine Index No. 338) in Size Groups 18-21 be, and it hereby is, denied.

Dated: August 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5879; Filed, August 11, 1941; 9:59 a. m.]

[Docket No. A-517]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF THE E. AND W. LAUNDRY COMPANY, INC., A CONSUMER, REQUESTING THAT THE MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL COAL" ALSO APPLY TO COAL PURCHASED BY SAID CONSUMER

[Docket No. A-531]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF J. T. S. BROWN'S SON COMPANY, INC., A CONSUMER, REQUESTING THAT THE MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL COAL" ALSO APPLY TO COAL PURCHASED BY SAID CONSUMER

[Docket No. A-543]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF THE SCHOOL DISTRICT OF THE CITY OF PONTIAC, MICHIGAN, A CONSUMER, REQUESTING THAT THE MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL COAL" ALSO APPLY TO COAL PURCHASED BY SAID CONSUMER

[Docket No. A-563]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF DANVILLE LEAF TOBACCO COMPANY, INC., A CONSUMER, REQUESTING THAT THE MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL COAL" ALSO APPLY TO COAL PURCHASED BY SAID CONSUMER

ORDER OF THE DIRECTOR DENYING RELIEF

Original petitions having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act, in accordance with Price Instruction and Exception No. 12 for Districts Nos. 7 and 8, and Price Instruction and Exception No. 5 for District No. 13 in the Schedules of Effective Minimum Prices, by the Consumers' Counsel Division, on behalf of the E. and W. Laundry Company, Inc., 702 West Anderson Street, Savannah, Georgia (Docket No. A-517); on behalf of J. T. S. Brown's Son Company, Inc., Early Times, Kentucky (Docket No. A-531); on behalf of the School District of the City of Pontiac, Pontiac, Michigan (Docket No. A-543); and on behalf of Danville Leaf Tobacco Company, Inc., Danville, Kentucky (Docket No. A-563); requesting that said consumers be permitted to purchase coals at "industrial prices;"

Pursuant to Orders of the Director dated January 11, February 4, and March 14, 1941, hearings having been held in these matters before duly designated Examiners of the Division at hearing rooms of the Division, in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

It is ordered, That the relief prayed for in the original petitions should be, and the same hereby is, denied.

Dated: August 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5880; Filed, August 11, 1941; 10:00 a. m.]

[Docket No. A-350]

PETITION OF WEST POINT MARION COAL COMPANY FOR MODIFICATION OF THE MINIMUM PRICES FOR COAL OF ITS MINE IN SUBDISTRICT NO. 3 OF DISTRICT NO. 2 FOR SALE TO THE ERIE RAILROAD

ORDER OF THE DIRECTOR DENYING PERMANENT RELIEF

An original petition having been filed with the Bituminous Coal Division on November 12, 1940, in the above-entitled matter, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the West Point Marion Coal Company; and

A hearing having been duly held in this matter before a duly designated Examiner of the Division on January 14, 1941, in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

The Examiner's Report in this matter having been waived by the parties;

Now, therefore, it is ordered, That the request of the original petitioner herein as amended at the hearing is denied.

Dated: August 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5881; Filed, August 11, 1941; 10:00 a. m.]

[Docket No. 821-FD]

APPLICATION OF BELLEVILLE FUELS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; IN RE: (1) APPLICATION OF THE APPLICANT FOR RENEWAL OF THE ORDER GRANTING IT PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND (2) THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER DENYING MOTION TO DISMISS

By an application filed on June 27, 1941, Belleville Fuels, Incorporated, applicant herein, applied for renewal of its provisional approval as a marketing agency, which approval had previously lapsed one year from January 9, 1940.

By an Order dated July 15, 1941, the Bituminous Coal Division set the application for renewal for hearing on August 4, 1941, requiring in said Order, *inter alia*, that applicant show in detail its operations from and after an Order granting the applicant provisional approval as a marketing agency on January 9, 1940, and directed applicant to show cause at the same time why the provisional approval previously granted if renewed should not be modified in certain specified respects.

On August 4, 1941, applicant filed a motion to dismiss that portion of the proceeding relating to the order to show cause why the provisional approval if renewed should not be modified as specified in the Order of July 15, 1941. In support of this motion, applicant urges that the aforesaid order to show cause "is not a complaint within the meaning of the third paragraph of section 12 of the Bituminous Coal Act of 1937 or within the meaning of section 15 of said Act and does not allege that respondent has violated the regulations or orders of the Bituminous Coal Division or the requirements of section 12 of said Act or is operating against the public interest or in violation of said Act." Applicant further alleges that the order initiates a proceeding in the nature of a revocation proceeding under section 12 adversary in character but contains no allegations of fact which tend to show the necessity or reasonableness of such modifications; and purports to throw upon respondent the burden of proving that such modifications are unnecessary or unreasonable or illegal without making any allegations of fact. It is asserted that there is no authority in the Division to initiate the proceedings by such an order to show cause. On the basis of these allegations, applicant urges that the Division is without jurisdiction to enter the order to hold a hearing thereon and that if applicant is forced to proceed on the basis thereof it will be deprived of a full and fair hearing. Applicant requests oral argument on its motion before the Director.

It does not appear that applicant will be prejudiced with respect to the matters alleged in its motion by the holding of a hearing in these proceedings. The motion of applicant to dismiss the Order of July 15, 1941, in the above-entitled matter is therefore denied without prejudice to the right of applicant to renew the said motion upon the conclusion of the hearing.

Dated: August 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5877; Filed, August 11, 1941, 9:59 a. m.]

[Docket No. A-967]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

[Docket No. A-967 Part II]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 5075 AND 798 IN DISTRICT NO. 8

MEMORANDUM, OPINION AND ORDER SEVERING DOCKET NO. A-967 PART II FROM DOCKET NO. A-967 AND ORDER GRANTING TEMPORARY RELIEF IN DOCKET NO. A-967 PART II

The original petition in the above-entitled matter filed with this Division on July 12, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 8, which coals have not heretofore been classified and priced.

As the Director found in a Separate Order issued in Docket No. A-967, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except insofar as the establishment of permanent price classifications and minimum prices for the coals of the Red Ash #1 Mine (Mine Index No. 5075) and the Red Ash #2 Mine (Mine Index No. 798) are concerned. Petitioner proposes price classifications and minimum prices for the coals of the above-named mines based in part upon certain price classifications and minimum prices temporarily established for the coals of the Premier Mine (Mine Index No. 377) in Docket No. A-355 by Orders dated January 10 and February 20, 1941, respectively. In consideration of the fact that the temporary relief granted in Docket No. A-355 has not to date been made permanent, the Director is of the opinion that price classifications and minimum prices for the coals of the Red Ash #1 and #2 Mines should not be permanently established until such time as permanent relief is granted by the Director in Docket No. A-355. However, pending final determination in the latter proceeding, it is the opinion of the Director that temporary relief should be extended to the subject coals and that the price classifications and minimum prices proposed by petitioner should be made applicable thereto pending further order of the Director.

Now, therefore, it is ordered, That the portion of Docket No. A-967 relating to Red Ash #1 Mine (Mine Index No. 5075) and Red Ash #2 (Mine Index No. 798) be and the same hereby is severed from the remainder of Docket No. A-967.

It is further ordered, That, pending further order of the Director, temporary relief be and it is forthwith granted as follows:

The following is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck.

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
5075	Consumers Mining Corporation	Red ash #1	9	Red ash	21	C	C	D	E	A	A	A	H	H	H
798	Consumers Mining Corporation	Red ash #2	9	Red ash	21	C	C	D	E	A	A	A	H	H	H

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: August 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5878; Filed, August 11, 1941; 9:59 a. m.]

[Docket No. 497-FD]

APPLICATION OF FAIRMONT COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; IN RE: THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING THE APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Applicant, Fairmont Coals, Incorporated, having filed an application with the National Bituminous Coal Commission (predecessor of the Bituminous Coal

Division) requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by said National Bituminous Coal Commission on June 21, 1937; and

The National Bituminous Coal Commission by its order issued on January 5, 1939 having granted the application of Fairmont Coals, Incorporated, for provisional approval as a marketing agency until further order of the Commission; and

The Bituminous Coal Division having succeeded to the duties and functions of the National Bituminous Coal Commission; and

It appearing necessary and reasonable that said order of the National Bituminous Coal Commission dated January 5, 1939, be modified and amended in order to protect the public interest and generally to comply with the provisions of the Bituminous Coal Act of 1937, particularly the provisions of Section 12 thereof, and to effectuate the purposes thereof:

It is therefore ordered, Pursuant to authority granted in the Act, particularly Section 12 thereof, and in accordance with the provision of the order issued by the National Bituminous Coal Commission January 5, 1939, granting provisional approval to Applicant as a marketing agency subject to further order of the Commission, that Applicant be and hereby is ordered to show cause why the order granting provisional approval as a marketing agency should not be modified and amended so as to incorporate therein the provisions set out in Exhibit "A" attached hereto or provisions substantially similar thereto.

It is further ordered, That a hearing for said purpose be held before Charles S. Mitchell, or any other officer or officers of the Division duly designated to preside at such hearing, on September 30, 1941, at 10 a. m. at a hearing room of the Division, 734 15th Street NW., Washington, D. C. On said day the Chief of the Records Section in Room 502, will advise as to the room where such hearing will be held.

Notice of said hearing is given to Applicant and to all other persons who may have an interest in the subject matter of the proceeding. Any person other than Applicant desiring to be heard at said hearing, shall file a notice to that effect with the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., on or before September 25, 1941, setting forth the nature of his interest and a concise statement of the matter or matters which he intends to present.

The matter concerned herewith is in regard to the modification and amendment of the order of the National Bituminous Coal Commission dated January 5, 1939, granting provisional approval to Fairmont Coals, Incorporated, as a marketing agency, to incorporate therein the provisions contained in Exhibit "A" attached hereto or provisions substantially similar thereto.

Dated: August 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5882; Filed, August 11, 1941; 10:01 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	Date application Filed
Cosgrove Coal Co., Inc., 67 W. 44th St., New York, N. Y.	July 28, 1941
Keokuk Coal Company, 120 South Third St., Keokuk, Iowa	July 26, 1941
W. E. Casady, Mason City, Iowa	July 31, 1941
R. T. Randol Box 697 McAlester, Okla.	July 31, 1941
Remer Coal & Supply Co., 403 S. Water St., Saginaw, Mich.	July 31, 1941
Guy Rupp, Box 83, Lemoyne, Pa.	July 24, 1941
Tri-County Fuel Co., 27 E. Commerce St., Youngstown, Ohio	July 28, 1941
Western Michigan Fuel Co., Manistee, Mich.	July 29, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 25, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: August 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5883; Filed, August 11, 1941; 10:01 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWALS NOS. 21, 58, AND 104 REDUCED AIR NAVIGATION SITE WITHDRAWAL NO. 63, REVOKED

JULY 30, 1941.

Under and pursuant to section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, the departmental orders of February 14, 1929, June 18, September 10, and November 2, 1931, and March 10, 1936, withdrawing certain public lands in California and Wyoming, for use by the Department of Commerce as air navigation sites, are hereby revoked so far as they affect the following-described lands which are no longer required for such purpose:

CALIFORNIA

San Bernardino Meridian

T. 10 N., R. 19 E.,
sec. 19, S½,
sec. 30, NW¼;
aggregating 456.78 acres;

WYOMING

Sixth Principal Meridian

T. 21 N., R. 82 W.,
sec. 6, SE¼SW¼, N½NE¼SE¼, SE¼NE¼SE¼, NW¼SE¼, and S½SE¼;
T. 20 N., R. 91 W.,
sec. 4, SW¼SW¼,
sec. 8, N½;
T. 20 N., R. 99 W.,
sec. 34, SW¼SE¼;
aggregating 590 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 41-5842; Filed, August 9, 1941; 10:46 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1941-Wisconsin Cut-over Area Supplement No. 1]

1941 AGRICULTURAL CONSERVATION PROGRAM FOR WISCONSIN CUT-OVER AREA

Practice No. 2 of ACP-1941-Wisconsin Cut-over Area Bulletin [1] is amended to read as follows:

2. *Liming Materials.* Application of ground limestone (or its equivalent). The ground limestone must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate. If 90 percent of the ground limestone will not pass through an 8-mesh sieve, the county committee will have to require a higher percentage of calcium carbonate, $4.00 per ton, except in areas in which the State Committee determines that the average cost of bulk ground limestone delivered to the farm is not materially higher than the price at which such limestone was available on May 1, 1941, the rate will be $3.50 per ton.

The following quantities of other calcareous substances are equivalent to 1 ton of ground limestone: 1,400 pounds of hydrated lime; 2 cubic yards of marl, calcium-carbide refuse lime, paper-mill refuse lime, or commercial wood ashes.

Done at Washington, D. C., this 8th day of August, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-5838; Filed, August 8, 1941; 12:37 p. m.]

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[1] 6 F.R. 1692.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNITED THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 11, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

E. Simon Bialek, 102 Grant Street, Passaic, New Jersey; Emboidery; Hand Machine Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-Helper; February 11, 1942.

Dinion Coil Company, Drawer "D", Calendonia, New York; Electric coils and small transformers; 25 learners; 6 weeks for any one learner; 25 cents per hour; Coil and transformer winder, Finisher; November 17, 1941.

Eaton Paper Corporation, S. Church Street, Pittsfield, Massachusetts; Converted Paper Products; Stationery, paper converters, box making, leather products; 39 learners; 160 hours for any one learner; 33 cents per hour; Hand Workers, Machine Operators; November 3, 1941.

Greenspan and Company, Philadelphia, Pennsylvania; Portable Lamps and Shades; Silk Lamp Shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; February 11, 1942.

The Kent Paper Company, Inc., 159–161 Varick Street, New York, N. Y.; Converted Paper Products; Envelopes; 5 learners; 160 hours for any one learner; 33 cents per hour; Envelope Machine Operators, Hand Folders; November 3, 1941.

Maple City Rubber Company, 55 Newton Street, Norwalk, Ohio; Rubber Products; Toy Balloons; 4 learners; 6 weeks for any one learner; 30 cents per hour; Printers, Inspectors, Packers, Take Off; February 7, 1942. (Omitted from FEDERAL REGISTER of August 7, 1941.)

Navajo Weavers, Roswell, New Mexico; Men's Neckwear made from Hand Woven Fabrics by Indians; 10 learners; 4 weeks for any one learner; 22½ cents per hour; Weavers, Pressers, Cutters, Sewers (Hand), Sewing Machine Operators; November 13, 1941. (Omitted from FEDERAL REGISTER of August 7, 1941.)

Frank Suter, 552 Second Street, Carlstadt, New Jersey; Embroidery; Hand Machine Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-Helper; February 11, 1942.

Louis Zanoni, 92 Hope Avenue, Passaic, New Jersey; Embroidery; Hand Machine Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-Helper; February 11, 1942.

Signed at Washington, D. C., this 11th day of August 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–5899; Filed, August 11, 1941; 11:44 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 11, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Apparel; Children's Dresses; 30 learners (75% of the applicable hourly minimum wage); November 24, 1941.

The Baker Manufacturing Company, 319½ East Main Street, Chanute, Kansas; Apparel; Ladies' & Children's Wash Frocks, Slacks, Blouses; 32 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Beauty Brassiere Company, 229 High Street, Newark, New Jersey; Apparel; Brassieres; 3 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Berlin Shirt Company, Berlin, Maryland; Apparel; Work Shirts; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Chic Manufacturing Company, 1001 S. Adams Street, Peoria, Illinois; Apparel; Cotton Wash Dresses; 26 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Consolidated Garment Manufacturing Company, Third & Division Streets, Altamont, Illinois; Apparel; Pants; 30 learnears (75% of the applicable hourly minimum wage); December 8, 1941.

Mr. David Ergas, 918 E. 163rd Street, New York, N. Y.; Apparel; Hoover Aprons; 1 learner (75% of the applicable hourly minimum wage); November 3, 1941.

M. Fine & Sons Manufacturing Company, Inc., 15th & Main Street, New Albany, Indiana; Apparel; Shirts, Lumberjackets; 60 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Fishman & Tobin, Broad & Carpenter Streets, Philadelphia, Pennsylvania; Apparel; Boys' Wash Suits; 5 percent (75% of the applicable hourly minimum wage); November 5, 1941.

Forest City Sewing Company, Forest City, Pennsylvania; Apparel; Children's Dresses; 20 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Frackville Manufacturing Company, 9th & Scull Streets, Lebanon, Pennsylvania; Apparel; Pajamas; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

Friedman Brothers, Inc., 1111 Spring Garden Street, Easton, Pennsylvania; Apparel; Trousers; 16 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Hanover Manufacturing Corporation, 225 High Street, Elizabeth, New Jersey;

Apparel; Shirts; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Hartmann-Schneider Company, 627–631 Elder Street, Johnstown, Pennsylvania; Apparel; Overalls, Cotton Pants, Work Shirts; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Helitzer Brothers Company, Inc., Corner South & Elm Streets, Glens Falls, New York; Apparel; Blouses; 15 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Herzog and Kramer, Inc., 60 Manhattan Avenue, Jersey City, New Jersey; Apparel; Men's & Boys' Robes; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

High Point Overall Company, Willowbrook & Hamilton Streets, High Point, North Carolina; Apparel; Overalls, Cotton Pants, Work Shirts, Jackets; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

Industrial Undergarment Corporation, 340 Mill Street, Poughkeepsie, New York; Apparel; Ladies' Slips; 10 percent (75% of the applicable hourly minimum wage); August 11, 1942. (This certificate replaces one issued effective October 24, 1940.)

Jay Novelty Company, 101–01 103rd Avenue, Ozone Park, New York; Apparel; Novelties and Sportswear; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

B. Laster, 123 North 13th Street, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

S. Liebovitz & Sons, Inc., Beech & Evans Streets, Pottstown, Pennsylvania; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

S. Liebovitz & Sons, Inc., Pine, Oak and Hemlock Streets, Hazelton, Pennsylvania; Apparel; Men's Shirts; 120 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Mandel Manufacturing Company, 923 Washington Avenue, St. Louis, Missouri; Apparel; Cotton Sportswear; 10 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Manhattan Shirt Company, 27–31 Hoffman Street, Kingston, New York, Apparel; Men's Pajamas; 5 percent (75% of the applicable hourly minimum wage); August 11, 1941.

Mayfield Sewing Company, Mayfield, Pennsylvania; Apparel; Children's Dresses; 20 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Nancy Belle, Inc., 36 West 26th Street, New York, N. Y.; Apparel; Children's Underwear; 15 learners (75% of the applicable hourly minimum wage); December 8, 1941.

National Glove & Sportswear Company, 209 Clay Street, San Francisco, Calif.; Apparel; Leather Jackets; 1 learner (75% of the applicable hourly minimum wage); February 11, 1942.

Newport Dress Factory, 28 S. Third Street, Newport, Pennsylvania; Apparel; Dresses; 15 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Olympiad Sportswear, 1925 Eighth Avenue, Seattle, Washington; Apparel; Sportswear, Topcoats, Skirts; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Perfect Jacket Manufacturing Company, Inc., 2213 N. 11th Street, Philadelphia, Pennsylvania; Apparel; Washable Service Apparel; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Piedmont Shirt Company (Eastwill Sportswear Division), 411 Rush Avenue, Greenwood, South Carolina; Apparel; Sport Jackets; 38 learners (75% of the applicable hourly minimum wage); November 24, 1941.

Practical Frocks, Inc., 1004 Elizabeth Avenue, Elizabeth, New Jersey; Apparel; Cotton Housecoats, Wash Dresses; 36 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Prime Weatherproof Garment Company, 146 Court Street, Brockton, Massachusetts; Apparel; Coats & Mackinaws; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

R & J Underwear Company, Inc., 54 Coit Street, New London, Connecticut; Apparel; Children's Underwear & Pajamas; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

Reliance Manufacturing Company, Hattiesburg, Mississippi; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); November 3, 1941.

Reliance Manufacturing Company, North Washington Street, Columbus, Indiana; Apparel; Pants, Wool & Corduroy Jackets; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

S. and M. Dress Company, South Chestnut Street, Beacon, New York; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

S & W Dress Company, Russell Street, Saugarties, New York; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Herman Segall & Company, 309–13 Arch Street, Philadelphia, Pennsylvania; Apparel; Blouses & Neckwear; 10 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Sharp Brothers, 117–121 N. 7th Street, Philadelphia, Pennsylvania; Apparel; Pants, Sportswear & Boys' Suits; 15 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Shriner Manufacturing Company, Woodsboro, Maryland; Apparel; Men's Single Pants; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Slim Fit Dresses, Bassett Boulevard, Shelton, Connecticut; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Stan-Lou Corporation, Egg Harbor City, New Jersey; Apparel; Men's Coats; 5 percent (75% of the applicable hourly minimum wage); August 11, 1942.

Samuel Sternberg, 7306 Woodside Avenue, Elmhurst, Long Island, New York; Apparel; Infants' Snow Suits; 4 learners (75% of the applicable hourly minimum wage); August 11, 1942.

Strutwear Knitting Company, 1015—6th Street South, Minneapolis, Minnesota; Apparel; Women's Woven Underwear; 8 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Sunrise Rayon Underwear Company, 596 Broadway, New York, N. Y.; Apparel; Rayon Underwear; 5 learners (75% of the applicable hourly minimum wage); November 3, 1941.

Union Manufacturing Company, 901 East Missouri Street, El Paso, Texas; Apparel; Men's Pants & Shirts; 5 percent (75% of the applicable hourly minimum wage); January 16, 1942.

The Warren Featherbone Company, Three Oaks, Michigan; Apparel; Raincapes, Raincoats, Aprons, Baby Pants, Garters; 5 percent (75% of the applicable hourly minimum wage); May 26, 1942.

Waverly Garment Company, Church and Stock Streets, Waverly, Tennessee; Apparel; Trousers, Shirts; 10 percent (75% of the applicable hourly minimum wage); November 3, 1941.

National Glove and Sportswear Company, 209 Clay Street, San Francisco, California; Gloves; Work Gloves; 1 learner; February 11, 1942.

Reliance Knitting Mills Company, 640 Broadway, New York, N. Y.; Gloves; Knit Wool Gloves; 30 learners; February 11, 1942.

Scotsmoor Company, Inc., Broadalbin, New York; Gloves; Knit Wool Gloves; 35 learners; February 11, 1942.

Scotsmoor Company, Inc., 29 N. Market Street, Johnstown, New York; Gloves; Knit Wool Gloves; 12 learners; February 11, 1942.

Stott & Son Corporation, 220–224 E. 3rd Street, Winona, Minnesota; Gloves; Work Gloves; 2 learners; March 31, 1942.

Lincoln Underwear Mills, Inc., Evans & Water Streets, Pottstown, Pennsylvania; Knitted Wear; Knitted Underwear; 13 learners; December 29, 1941.

Millard Knitting Mills, 9 Wilkinson Avenue, Jersey City, New Jersey; Knitted Wear; Knitted Outerwear; 5 learners; August 11, 1942.

Otto Rudolph & Company, 1826 Palmetto Street, Brooklyn, New York; Knitted Wear, Knitted Outerwear; 5 learners; August 11, 1942.

L. Seigler, 49–55 West 27th Street, New York, N. Y.; Knitted Wear; Knitted Trimmings; 1 learner; November 3, 1941.

Strutwear Knitting Company, 1015–6th Street South, Minneapolis, Minnesota; Knitted Wear; Women's Knit Underwear; 8 learners; December 8, 1941.

Dan Levin Company, 228 Grant Avenue, San Francisco, California; Millinery; Custom-made Millinery; 4 learners; August 11, 1942.

Suzy Lee Hat, Inc., 728 South Hill Street, Los Angeles, California; Millinery; Custom-made Millinery; 5 learners; August 11, 1942.

Lonsdale Company, Blackstone Mill, Tripp Street, North Smithfield, Rhode Island; Textile; Cotton Shirting, Sheetings, Twills, Oxfords, Corset Cloth; 8 percent; August 11, 1942.

Lonsdale Company, Berkeley Mill, Berkeley, Rhode Island; Textile; Cotton Shirting, Sheetings, Twills, Oxfords, Corset Cloth; 3 percent; August 11, 1942.

Queen Anne Mills, Ellenboro, North Carolina; Textile; Jacquard Tickings & Upholstery; 3 percent; August 11, 1942.

The Warren Featherbone Company, Three Oaks, Michigan; Textile; Braids, Tapes, Ribbons, Belting; 7 percent; November 13, 1941.

John L. Fead & Sons, 1635 Poplar Street, Port Huron, Michigan; Woolen; Wool Yarn; 2 learners; August 7, 1942. (Omitted from FEDERAL REGISTER of August 7, 1941.)

Signed at Washington, D. C., this 11th day of August 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-5900; Filed August 11, 1941; 11:44 a. m.]

[Administrative Order No 122]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 33 FOR THE PASSENGER MOTOR CARRIER INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. J. A. Farquharson from Industry Committee No. 33 for the Passenger Motor Carrier Industry and do appoint in his stead, as representative for the employees on such Committee, Mr. Martin H. Miller, of Washington, D. C.

Signed at Washington, D. C., this 8th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-5901; Filed, August 11, 1941; 11:44 a. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 30 FOR A MINIMUM WAGE RATE IN THE LUMBER AND TIMBER PRODUCTS INDUSTRY

Whereas a hearing has been held on August 5, 1941, before Mr. Henry T. Hunt, Principal Hearings Examiner of the Wage and Hour Division, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 30 for the fixing of a minimum wage rate in the Lumber and Timber Products Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator.

Now, therefore, Notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before August 20, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing.

Signed at Washington, D. C., this 8th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-5902; Filed, August 11, 1941; 11:44 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 16-406-A-1]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN ORDER FIXING AND DETERMINING FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER ROUTE NOS. 1, 11, 12, AND 17, PURSUANT TO SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF FURTHER HEARING

The above-entitled proceeding, having been reopened by Order of the Board dated July 28, 1941 for the purpose of receiving further evidence respecting the schedules of United Air Lines Transport Corporation over routes Nos. 1, 11, and 12, and of making such revision in the rates of compensation provided in the Board's Order of June 22, 1940, as supplemented, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over routes Nos. 1, 11, and 12 as may appear to be appropriate from the evidence, is hereby assigned for public hearing on Wednesday, August 13, 1941, 10 o'clock a. m. (Eastern Standard Time), in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., August 9, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5859; Filed, August 11, 1941; 9:37 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6142]

NOTICE RELATIVE TO NEW MEXICO BROADCASTING CO. (KGGM)

Application dated July 1, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Albuquerque, New Mexico; operating assignment specified: Frequency, 590 kc.; power, 5 kw. (DA for night only); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application B5-P-2906 of Arizona Broadcasting Company, Inc. (KVOA), Docket No. 6082, and application B5-P-2917 of New Mexico Broadcasting Company (KVSF), Docket No. 6143, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station KGGM, as proposed, and Station XEPH, Mexico City, Mexico.

3. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement.

4. To determine whether the operation of Station KGGM at the proposed transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the predicted 250 millivolt per meter contour ("blanket area").

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station KGGM as proposed.

6. To determine the extent of any interference which would result from the simultaneous operation of Station KGGM as proposed and Station KVOA as proposed in application B5-P-2906, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

7. To determine the areas and populations which may be expected to gain interference-free primary service should Station KGGM operate as proposed, and what other broadcast service is available to these areas and populations.

8. To determine the areas and populations now receiving interference-free primary service from Station KVSF which would receive similar service from Station KGGM as proposed.

9. To determine whether the areas and populations which would receive interference-free primary service from Stations KGGM as proposed and KVSF as proposed in application B5–P–2917, would be the same in whole, or in part, and, if so, the areas and populations involved.

10. To determine the character of the proposed program service, the extent to which such service is now being rendered by Station KVSF, as well as the extent to which such service would be rendered by Station KVSF, if application B5–P–2917 were granted.

11. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

New Mexico Broadcasting Co., Radio Station KGGM, Kimo Theatre Building, Fifth and Central Aves., Albuquerque, New Mexico.

Dated at Washington, D. C., August 7, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–5856; Filed, August 9, 1941; 11:56 a. m.]

[Docket No. 6143]

NOTICE RELATIVE TO NEW MEXICO BROADCASTING CO. (KVSF)

Application dated July 1, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Santa Fe, New Mexico; operating assignment specified: Frequency, 1230 kc. (1260 NARBA); power, 1 kw.; hours of operation, unlimited (Contingent on Grant of KGGM).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application B5–P–2906 of Arizona Broadcasting Company, Inc. (KVOA), Docket No. 6082, and application B5–P–2918 of New Mexico Broadcasting Company (KGGM), Docket No. 6142, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station KVSF, as proposed, and Station KGBX.

3. To determine the areas and populations, if any, which may be expected to lose interference-free primary service, particularly from Station KGBX should Station KVSF operate as proposed, and what other interference-free primary service is available to these areas and populations.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station KVSF, as proposed, and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of Station KVSF at the proposed transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the predicted 250 millivolt per meter contour ("blanket area").

6. To determine whether operation with the proposed transmitting equipment and frequency monitor would be consistent with Sections 3.46 and 3.59 of the Commission's Rules and Regulations and the Standards of Good Engineering Practice, particularly with respect to frequency stability.

7. To determine whether the areas and populations which would receive interference-free primary service from Stations KVSF, as proposed, and KGGM, operating as proposed in application B5–P–2918, would be the same in whole, or in part, and, if so, the areas and populations involved.

8. To determine the character of the program service proposed to be rendered, and the extent to which such service would be rendered by Station KGGM, if application B5–P–2918 were granted.

9. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of New Mexico Broadcasting Company, licensee of Station KGGM, (Docket No. 6142, public interest, convenience, or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

New Mexico Broadcasting Company, Radio Station KVSF, Kimo Building, 5th St. and Central Ave., Albuquerque, New Mexico.

Dated at Washington, D. C., August 7, 1941.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–5855; Filed, August 9, 1941; 11:56 a. m.]

[Docket No. 6057]

NOTICE RELATIVE TO COLONIAL BROADCASTING CORP. (NEW)

Application dated October 29, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Norfolk, Virginia; operating assignment specified: Frequency, 1,200 kc. (1,230 kc. NARBA); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application B2–P–3101 of Roy St. Lewis, Docket No. 6146, for the following reasons:

1. To determine whether the applicant is qualified in all respects to construct and operate the proposed station.

2. To obtain full particulars with respect to the connections and relationships, direct or indirect, the nature, extent, and effect thereof, existing between this applicant, the officers, directors and stockholders thereof, or any of them, and the licensee of Station WGH, the Daily Press, Inc., and other media for the dissemination of information.

3. To determine the areas and populations now receiving interference-free primary service from Station WGH, which it is expected would receive similar service from the station proposed herein.

4. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole, or in part.

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station WBOC.

6. To determine the areas and populations which would be deprived of interference-free primary service, particularly from Station WBOC, as a result of the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

7. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

8. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether public interest, convenience and necessity would be served by a grant of this application and the application of Roy St. Lewis (Docket No. 6146), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Colonial Broadcasting Corporation, % Edward E. Bishop, Portlock Building, Norfolk, Virginia.

Dated at Washington, D. C., August 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-5866; Filed, August 11, 1941, 9:45 a. m.]

[Docket No. 6146]

NOTICE RELATIVE TO ROY ST. LEWIS (NEW)

Application dated February 17, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Norfolk, Virginia; operating assignment specified: Frequency, 1,200 kc. (1,230 kc. NARBA); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application B2-P-3039 of Colonial Broadcasting Corporation (New), Docket No. 6057, for the following reasons:

1. To determine whether applicant is qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render, if granted a permit to construct the proposed station.

3. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly with reference to the length of the radials.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station WBOC.

5. To determine the areas and populations which would be deprived of interference-free primary service, particularly from Station WBOC, as a result of the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

6. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether public interest, convenience and necessity would be served by a grant of this application and the application of Colonial Broadcasting Corporation (Docket No. 6057), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Roy St. Lewis, 1266 National Press Building, Washington, D. C.

Dated at Washington, D. C., August 8, 1941.

By the commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-5867; Filed, August 11, 1941; 9:45 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4556]

IN THE MATTER OF THE CURTISS CANDY COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated, and is now violating the provisions of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, The Curtiss Candy Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, and has its office and principal place of business located in The Curtiss Building, 622 Diversey Parkway, Chicago, Illinois.

PAR. 2. Respondent is now, and since June 19, 1936 has been, engaged in the business of manufacturing, distributing and selling candy and confectionery products, principally 5¢ and 1¢ candy bars. Such products are manufactured by respondent in the State of Illinois and sold by it to purchasers located in the several states of the United States, and as a result thereof are shipped, and caused by respondent to be transported from the State of Illinois to such purchasers located in the State of Illinois and in other states.

PAR. 3. Respondent, in the course and conduct of its business, as aforesaid, is now and since June 19, 1936 has been, competitively engaged with other persons, firms and corporations who similarly manufacture, distribute and sell candy and confectionery products. Respondent, which was organized in 1923, has, however, grown until its distribution of such products is larger than any one of its competitors and the volume of its advertising is almost equal to all of its competitors.

PAR. 4. One of the principal ingredients in the candy and confectionery products manufactured by respondent and its competitors is corn syrup unmixed or glucose, which respondent has purchased from one or more of the several manufacturers thereof, among whom are Corn Products Refining Company and Corn Products Sales Company, with manufacturing plants located at Kansas City, Missouri, and Argo, Illinois; the Staley Manufacturing Company and Staley Sales Corporation, with a plant located at Decatur, Illinois; the Clinton Company and the Clinton Sales Company, with a plant located at Clinton, Iowa; Penick and Ford, Ltd., Inc., with a plant located at Cedar Rapids, Iowa; and, American Maize Products Company, with a plant located at Roby, Indiana.

Such syrup, when purchased, is shipped and caused to be transported by said manufacturers from the state in which their respective plants are located to respondent's plant in the State of Illinois, to be used as an ingredient in its candy and confectionery products distributed and sold in interstate commerce, as aforesaid.

The corn syrup manufacturers above named, together with others, also have

sold such corn syrup in interstate commerce to competitors of respondent, who similarly use it as an ingredient in the manufacture of their respective candy and confectionery products.

Respondent's aggregate purchases of such corn syrup from all corn syrup manufacturers were approximately thirteen million pounds from September through 1936; twenty-three million pounds in 1937; twenty-five million pounds in 1938; twenty-four million pounds in 1939; twenty-four million pounds in 1940; and, seven million pounds in the first quarter of 1941. In addition during this entire period, respondent increased its use of dextrose, a dry sugar refined from corn syrup, manufactured by some of said corn syrup manufacturers, from relatively inconsequential amounts to over seven million pounds annually.

PAR. 5. Respondent, while engaged in commerce, and in the course of such commerce since June 19, 1936, has knowingly induced some of said corn syrup manufacturers to discriminate in price in favor of respondent and has knowingly received the benefit of discriminations in price from some of said corn syrup manufacturers in concurrent sales by said manufacturers to respondent and some of its competitors of such corn syrup of like grade and quality purchased by them for use, consumption and resale within the several states of the United States and in the District of Columbia, in which concurrent sales either the sales to respondent or the sales to respondent's competitors, or both of such sales, were in interstate commerce.

PAR. 6. One method, among others, by which respondent knowingly received the benefit of discriminations in price, as alleged in Paragraph 5, was that, after an increase in the price per cwt. of such syrup, which increased price such syrup manufacturers charged to the trade generally, including respondent's competitors, some of said manufacturers continued to charge and invoice such syrup sold to respondent at the price per cwt. prevailing before the increase.

Thus, for instance, during the month of November 1940, Corn Products Sales Company sold and delivered to respondent fourteen railroad tank cars of 43° corn syrup unmixed, each car containing approximately ninety-five thousand pounds, at an invoice price of $2.49 per cwt., f. o. b. Chicago, the last of said cars shipped being CCLX 664, on or about November 26, 1940, covered by Corn Products Sales Company's invoice dated November 26, 1940, and approved for payment by respondent's invoice No. 123302, on December 4, 1940, whereas, Corn Products Sales Company had not charged to, or received from, the trade generally, including respondent's competitors, as little as $2.49 per cwt. for 43° corn syrup unmixed f. o. b. Chicago, since on or about July 27, 1940, for delivery at that price until approximately August 22, 1940, but had, after on or about October 18, 1940, when it decreased its price for such syrup f. o. b. Chicago from $2.64 per cwt. to $2.59, charged $2.59 per cwt. to and received said price from the trade generally, including respondent's competitors, for such syrup until on or about December 4, 1940. All of which respondent well knew.

PAR. 7. Another method, among others, by which respondent knowingly induced some of said corn syrup manufacturers to discriminate in price in favor of respondent, as alleged in Paragraph 5, was by making unauthorized deductions from the invoice prices of some of said syrup manufacturers when remitting to them, and seeking to secure the concurrence of said syrup manufacturers in such action by informing them that competitive syrup manufacturers were then selling, or offering to sell, such syrup to respondent at the price resulting after respondent had made the deduction, when, in truth and in fact, such sales and such offers had not been made to respondent.

Thus, for instance, beginning on or about December 1, 1940, and continuing until on or about April 1, 1941, A. E. Staley Manufacturing Company sold and delivered approximately twenty-three tank cars of 43° corn syrup unmixed, f. o. b. Chicago, to respondent upon a standing order of approximately one tank car per week, each car containing approximately ninety-five thousand pounds, and invoiced such syrup to respondent at $2.59 cwt., f. o. b. Chicago, which price was the price at which A. E. Staley Manufacturing Company was concurrently selling such syrup to the trade generally, including respondent's competitors, and the price at which respondent was concurrently being charged and invoiced for approximately sixty-five similar tank cars of such syrup purchased by respondent from competitors of A. E. Staley Manufacturing Company.

In remitting to A. E. Staley Manufacturing Company, the respondent deducted ten cents cwt. from the invoice price of $2.59 cwt., or approximately $95.00 per tank car from all except three, more or less, of such invoices; and when A. E. Staley Manufacturing Company objected and protested such deductions being made, respondent informed the A. E. Staley Manufacturing Company that respondent was then purchasing syrup of like grade and quality from Corn Products Sales Company at $2.49 cwt. and that the Hubinger Company, a corn syrup manufacturer with a plant located at Keokuk, Iowa, had currently offered to sell such syrup to respondent at $2.49 cwt., f. o. b. Chicago, which offer had not, in fact, been made; and the last shipment made to respondent by Corn Products Sales Company at $2.49 cwt., f. o. b. Chicago, was that alleged in Paragraph 6, namely, on or about November 26, 1940.

A. E. Staley Manufacturing Company requested respondent to furnish to them a written statement of any sales and offers to sell, made to respondent by competitors at $2.49 cwt., but respondent refused, while continuing to restate orally that such sales and offers to sell had been made until on or about March 5, 1941, when respondent told the A. E. Staley Manufacturing Company that the last of its competitors had withdrawn the $2.49 cwt. price on or about March 21, 1941; but, nevertheless, respondent stated that it intended to make similar deductions on further shipments under the standing order, and upon refusal of the A. E. Staley Manufacturing Company to authorize such deductions, respondent cancelled said standing order for approximately one tank car per week.

By this method, in this one instance alone, respondent induced and received the benefit of price discrimination giving it an advantage over its competitors of 10¢ per cwt. or approximately $95 per car on approximately 20 tank cars of such syrup, amounting in the aggregate to approximately $2,000. All of which respondent well knew.

PAR. 8. The effect of said discriminations in price, knowingly induced and knowingly received by respondent in the manner and form hereinabove alleged, was to substantially lessen competition and tend to create a monopoly in some of said syrup manufacturers by causing respondent to purchase from them and not from their competitors the large requirements of respondent for corn syrup; and to lessen competition, tend to create a monopoly, as well as to injure, destroy and prevent competition with respondent, who received the benefits of said discriminations, by decreasing the cost to it of one of the principal ingredients of its said products, which may give respondent a price advantage in the sale of said products, or some of them, and confer on respondent a financial power to further the sale of its said products by the advertising, hereinabove referred to, or by other forms of non-price competition.

PAR. 9. Each of said corn syrup manufacturers, during all the times mentioned herein, continuously and regularly informed respondent by mail, telephone and personal visits of salesmen and brokers of the price at which each of them respectively was offering for sale and selling such corn syrup to the trade generally, including respondent's competitors.

Respondent also knew from the same sources the terms of sale of each of said manufacturers, particularly the trade practice of accepting orders from purchasers for five or ten days after the announcement of a price increase and the old and lower price for such syrup to be delivered within a stated period after the announcement, usually thirty days.

The quality of corn syrup, as manufactured by said syrup manufacturers, is substantially the same, and candy manufacturers, including respondent and its competitors, purchase and use the corn syrup manufactured by each of said manufacturers interchangeably with the corn syrup manufactured by the others.

As a result, the price of each of said manufacturers and their terms of sale are substantialy the same. All of which respondent well knew.

Respondent for many years and since June 19, 1936, has employed a purchasing officer who has had charge of all of the purchases of corn syrup made by respondent and whose duty it is to keep and who has kept acurately and currently informed of the prices and terms of sale of such syrup; and all of the purchases of corn syrup herein referred to have been made by him or under his direction and with his knowledge.

PAR. 10. The foregoing alleged acts of said respondent, The Curtiss Candy Company, while engaged in interstate commerce, in knowingly inducing and in knowingly receiving in the course of such commerce, since June 19, 1936, discriminations in price prohibited by section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), are in violation of section 2 (f) of said Act.

Wherefore, the premises considered, the Federal Trade Commission, on this 5th day of August, A. D. 1941, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, The Curtiss Candy Company, respondent herein, that the 12th day of September, A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearings shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 5th day of August A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–5895; Filed, August 11, 1941; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812–182]

IN THE MATTER OF EMPIRE POWER CORPORATION, AND ITS SUBSIDIARIES: EMPIRE INVESTMENT CORPORATION, THE UNITED GAS & ELECTRIC CORPORATION, CENTRAL NEW YORK UTILITIES CORPORATION, UNITED GAS & ELECTRIC COMPANY, UNITED JERSEY SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

A joint application having been duly filed by the above named applicants under and pursuant to the provisions of Section 6 (c) of the Investment Company Act of 1940 for an order extending the time for filing registration statements for a period of sixty days from August 15, 1941;

It is ordered That a hearing on the matter of the joint application of the above named applicants under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on August 14, 1941 at 2:00 o'clock in the afternoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That William W. Swift, Esquire or any other officer or officers of the Commission shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicants and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5849; Filed, August 9, 1941; 11:33 a. m.]

[File No. 1–1770]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF LEHI TINTIC MINING COMPANY COMMON STOCK, $1 PAR VALUE, ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

I

It appearing to the Commission:

That Lehi Tintic Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Common Stock, $1 par value, assessable; and

That said Lehi Tintic Mining Company filed on or about June 5, 1935, an application on Form 10 for registration of such security with the Salt Lake Stock Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X–12B–1, as amended, promulgated by the Commission thereunder, and that the required certification approving such security for listing and registration was filed by the Salt Lake Stock Exchange with the Commission on June 28, 1935; and

That the Commission having issued on July 13, 1935, a general order providing that the registration of any securities for which an application for permanent registration was filed and as to which certification from the proper exchange authorities was received on or before

July 15, 1935 should become effective on July 16, 1935; and Lehi Tintic Mining Company coming within the terms of said order, registration became effective July 16, 1935 and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X–13A–1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X–13A–2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10–K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Lehi Tintic Mining Company; and

That said Rule X–13A–1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instructions to Form 10–K do not prescribe any period other than such 120 days; and that pursuant to said Rule X–13A–1 the annual report must be filed within this initial period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

It further appearing to the Commission:

That said Lehi Tintic Mining Company has a fiscal year ending September 30; that the annual report for its fiscal year ended September 30, 1940 was due to be filed not later than January 28, 1941; that no request for extension was filed by said Lehi Tintic Mining Company; and that no annual report for the fiscal year ended September 30, 1940 has been filed; and

II

The Commission having reasonable cause to believe that said Lehi Tintic Mining Company has failed to comply with said Section 13 and said Rules X–13A–1 and X–13A–2 in that it has failed to file its annual report on Form 10–K for the fiscal year ended September 30, 1940 within the time prescribed for filing said report; and

III

It being the opinion of the Commission that the hearing ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Lehi Tintic Mining Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary and appropriate for the protection of investors to suspend for a period of not exceeding twelve months or to withdraw the registration of the Common Stock, $1 par value, assessable, of said Lehi Tintic Mining Company on the Salt Lake Stock Exchange;

It is further ordered, pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such proceeding, John G. Clarkson, an officer of the Commision, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 26th day of August, 1941 at 10:00 A. M. at the regional office of the Securities and Exchange Commission, Room 822, Midland Savings Building, Denver, Colorado, and continue thereafter at such times and places as said officer may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5850; Filed, August 9, 1941; 11:33 a. m.]

[Filed No. 59–26]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY, AMERICAN POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

The Commission having on July 10, 1941 issued its Notice and Order for Hearing in the above entitled proceeding setting a hearing for August 11, 1941;

The Respondents having filed a motion on the 7th day of August, 1941 requesting that such hearing be postponed to some date subsequent to September 15, 1941; and

The Respondents having alleged in support of such motion that they have formulated, and propose to submit promptly to this Commission, a plan for the refinancing of the publicly held securities of Florida whereby the amount of such publicly held securities will be substantially reduced, and that in connection with such financing plan American Power & Light Company will surrender to Florida Power & Light Company all securities of Florida now owned by American which are senior to Florida's common stock; and

It appearing to the Commission, without expressing any view as to the merits of the plan as outlined in Respondents' motion, that Respondents should be afforded an opportunity to complete and file the aforementioned plan prior to commencement of the hearing;

It is ordered, That the Hearing in the above entitled proceeding ordered to be held August 11, 1941 shall be postponed until September 22, 1941, and that in all other respects the Hearing shall proceed as set forth in the Commission's Order dated July 11, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–5851; Filed, August 9, 1941; 11:33 a. m.]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

ORDER POSTPONING HEARING AND RETURN DATE OF ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

The Commission having on July 25, 1941, issued its Notice and Order for Hearing and Order to Show Cause in the above entitled proceeding setting a hearing for August 12, 1941, at 10:00 A. M., and having further ordered that: upon the convening of the hearing above ordered, the respondents shall show cause why the Commission shall not forthwith enter an order prohibiting the declaration or payment of further dividends on the common stock of Pennsylvania as violative of Section 12 (c) of the Public Utility Holding Company Act of 1935 and rules thereunder; such order to be effective until termination of the proceeding herein ordered and final determination of the issues stated above.

The Respondents having filed with the Public Utilities Division of the Commission a letter requesting a postponement of the hearing until at least the week of September 15, 1941, and the Respondents having represented that:

* * * no dividend has been declared on the Common Stock of Pennsylvania Power & Light Company since May 19, 1941, the last regular dividend meeting, that the next regular dividend meeting of Pennsylvania Power & Light Company is to be held the latter part of August, 1941, and Pennsylvania Power & Light Company agrees that it will postpone the declaration and payment of any dividend on its Common Stock until after the convening of the Hearing in September and in no event earlier than October 10, 1941, without further order of the Securities and Exchange Commission. National Power & Light Company and Electric Bond and Share Company concur in

this arrangement for the postponement of the Hearing.

It is understood, of course, that the agreement not to declare or pay dividends on the Common Stock of Pennsylvania Power & Light Company is in no way to be considered an admission by all or any of the corporations involved in the Hearing as to any or all of allegations or issues raised by the Notice and Order for Hearing and the Order to Show Cause and then none of the rights of any of said companies is waived.

In view of the assurances of the Respondents that no dividends will be declared or paid on the Common Stock of Pennsylvania Power and Light Company "until after the convening of the Hearing in September and in no event earlier than October 10, 1941,

It is ordered, That the request of the Respondents for a postponement of the Hearing previously ordered for August 12, 1941 be, and hereby is, granted; and

It is further ordered, That the Hearing in the above entitled proceeding shall be held on September 18, 1941 at the time and place stated in the Commission's Order dated July 25, 1941, and that in all other respects the Hearing shall proceed as set forth in such Order of July 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5852; Filed, August 9, 1941; 11:33 a. m.]

[File No. 812-183]

IN THE MATTER OF STANDARD EQUITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1941.

Standard Equities Corporation, a registered closed-end, non-diversified management investment company, having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order authorizing it to purchase 200 shares of the preferred stock of the Standard Investing Corporation, a predecessor company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on August 19, 1941, at 9:45 o'clock in the forenoon of that day, in the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5892; Filed, August 11, 1941; 11:27 a. m.]

[File No. 70-374]

IN THE MATTER OF CENTRAL STATES EDISON, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than August 26, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central States Edison, Inc. proposes to purchase, prior to December 31, 1941, such a principal amount of its outstanding 15-year collateral trust bonds, due March 1, 1950, as may be acquired for an aggregate purchase amount not in excess of $30,000. Purchases are to be made for cash in the open market at prices current at the time of purchase, but not in excess of the principal amount. The company intends to hold the reacquired bonds in its treasury.

The company states that pursuant to exemption granted by Rule U-42 (b), exception 6, it has purchased in 1941, $56,750 principal amount of its bonds at a cost of $49,332.50, exclusive of accrued interest. The proposed expenditure of $30,000 is in addition to these purchases.

The company considers sections 9 (a) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-23 thereunder, applicable to the proposed purchase of bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5893; Filed, August 11, 1941 11:27 a. m.]

[File No. 59-9]

IN THE MATTER OF STANDARD POWER AND LIGHT CORPORATION, STANDARD GAS AND ELECTRIC COMPANY AND SUBSIDIARY COMPANIES THEREOF, RESPONDENTS

ORDER REQUIRING DIVESTITURE OF SECURITIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1941.

The Commission having on March 6, 1940, issued a notice of and order for hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof;

A hearing having been held, after appropriate public notice, to determine what action, if any, is necessary, and should be required to be taken by Standard Gas and Electric Company in accordance with section 11 (b) (1) of said Act;

An amended answer herein having been filed by Standard Gas and Electric Company stating, in substance, that said company proposed to dispose of all its holdings of securities other than securities of Philadelphia Company and Public Utility Engineering and Service Corporation;

The Commission having considered the record, and having this day made and filed its findings and opinion herein, finding (among other things) that the action hereinafter directed to be taken is necessary and appropriate for the purpose of bringing about compliance by Standard Gas and Electric Company with section 11 (b) (1) of said Act, without prejudice, however, to the right of the Commission to enter other and further orders herein from time to time requiring Standard Gas and Electric Company and the other Respondents herein to take such additional action as may be necessary for compliance with section 11 (b) (1) of said Act;

It is ordered, Pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 that Standard Gas and Electric Company shall sever its relationship with the companies hereinafter designated, and the subsidiaries thereof, by disposing or causing the disposition in any appropriate manner not in contravention of the applicable provisions of said Act or the Rules and Regulations promulgated thereunder, of its

direct and indirect ownership, control and holding of securities issued by The California Oregon Power Company, Mountain States Power Company, Southern Colorado Power Company, Oklahoma Gas and Electric Company, Louisville Gas and Electric Company (Delaware), Northern States Power Company (Delaware), Empresa de Servicios Publicos de los Estados Mexicanos, S. A., Wisconsin Public Service Corporation, Market Street Railway Company, Horse Shoe Lake Oil and Gas Company, San Diego Securities Company, Pacific Gas and Electric Company, The Little Wolf Power Company, Madaras Rotor Power Company, Tri-State Land Company, and Securities Corporation General, and of securities of the subsidiaries thereof as the same may from time to time be acquired by Standard Gas and Electric Company.

It is further ordered, That jurisdiction be and is hereby reserved to enter other and further orders requiring the Respondents herein to take such action with respect to any of the remaining issues in this proceeding as may be necessary for compliance with section 11 (b) (1) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5894; Filed August 11, 1941; 11:27 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, JULY 31, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	976	47
2. Virgin Islands	13	1
3. Hawaii	221	22
4. Alaska	38	12
5. California	3,608	1,225
6. Louisiana	1,234	596
7. Michigan	2,745	1,371
8. Texas	3,350	1,687
9. Arizona	261	137
10. South Carolina	992	601
11. Kentucky	1,486	920
12. Georgia	1,631	1,013
13. Mississippi	1,141	725
14. New Mexico	278	177
15. Alabama	1,480	959
16. North Carolina	1,865	1,281
17. Ohio	3,608	2,488
18. Arkansas	1,018	714
19. New Jersey	2,173	1,567
20. Nevada	58	44
21. Tennessee	1,523	1,226
22. Florida	991	817
23. Indiana	1,790	1,584
24. Delaware	139	124
25. Illinois	4,125	3,709
26. Wisconsin	1,639	1,557
27. West Virginia	993	926
28. New Hampshire	257	243
29. Oregon	569	544
30. Wyoming	131	126
31. Idaho	274	265
IN ARREARS—Continued		
32. Vermont	188	183
33. Oklahoma	1,220	1,204
34. Connecticut	893	882
35. Maine	442	439
36. Pennsylvania	5,171	5,143
IN EXCESS		
37. Massachusetts	2,255	2,277
38. Rhode Island	373	382
39. Washington	907	960
40. Missouri	1,977	2,148
41. Iowa	1,326	1,459
42. Minnesota	1,458	1,634
43. New York	7,040	8,000
44. Utah	287	327
45. Colorado	587	702
46. North Dakota	335	457
47. Montana	292	404
48. Kansas	941	1,319
49. South Dakota	336	492
50. Virginia	1,399	2,236
51. Nebraska	687	1,184
52. Maryland	951	2,418
53. District of Columbia	346	9,060

GAINS	
By appointment	2,773
By transfer	62
By reinstatement	19
Total	2,854
LOSSES	
By separation	178
By transfer	143
Total	321
Total appointments	70,018

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 18,907.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 41-5890; Filed, August 11, 1941; 11:21 a. m.]